

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00018-GPG

LEILA McCOY, Individually, and  
NEXT FRIEND to EC, CC, LC, and JCM,

Plaintiff,

v.

COLORADO SPRINGS POLICE DEPT.,  
OFC. RICHARDSON, Individually and Professional Capacities,  
OFC. PARKS, Individually and Professional Capacities,  
SGT. LEDBETTER, Individually and Professional Capacities,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff Leila McCoy currently resides in Colorado Springs , Colorado. Plaintiff initiated this action by filing *pro se* a Complaint. Plaintiff subsequently was granted leave to proceed pursuant to 28 U.S.C. § 1915. Magistrate Judge Gallagher then reviewed the merits of the Complaint and found that Plaintiff's claims are conclusory and vague and directed Plaintiff to file an amended complaint that shows how a named defendant caused a deprivation of a federal right for purposes of 42 U.S.C. § 1983 and that properly asserts a claim pursuant to the American with Disabilities Act (42 U.S.C. § 12101 and 29 U.S.C. § 701). Magistrate Judge Gallagher warned Plaintiff that if she failed to comply with the Order to Amend within the time allowed the Court would dismiss the action without further notice.

Because Plaintiff now has failed to comply with the March 6, 2015 Order within the time allowed or failed to inform the Court why she is unable to do so, the Court will dismiss the action for failure to comply with a Court order and to prosecute.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not taken in good faith, and, therefore, *in forma paupers* status is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal she must also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pampers* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to file an amended complaint within the time allowed and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pampers* on appeal is denied.

DATED at Denver, Colorado, this 7<sup>th</sup> day of April, 2015.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court