

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00021-GPG

LEILA McCOY, et al.,

Plaintiff,

v.

CO DEPT OF HUMAN SERVICES,
EL PASO COUNTY DEPT. OF HUMAN SERVICES,
ROSLYN HENCE-RANDALL, Individually and in her Professional Capacities, and
SHIRLEY RUDD, Individually and in her Professional Capacity,

Defendants.

ORDER OF DISMISSAL

Plaintiff Leila McCoy currently resides in Colorado Springs , Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Complaint. Plaintiff subsequently was granted leave to proceed pursuant to 28 U.S.C. § 1915. Magistrate Judge Gordon P. Gallagher then reviewed the merits of the Complaint and found that Plaintiff's claims do not comply with Fed. R. Civ. P. 8. Specifically, Plaintiff listed multiple federal statutes and one state statute as the basis for jurisdiction in this Court but did not set forth factual allegations addressing how the specific law was violated. Magistrate Judge Gallagher directed Plaintiff to file an Amended Complaint that states specifically, and in keeping with the provisions of the law, how her rights and each statute was violated. 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 9, 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 9th day of April, 2015.

BY THE COURT:

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