

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00080-GPG

JAHEEM RASHON MARCUS ANTHONY HILTS,

Plaintiff,

v.

MENTAL HEALTH PARTNERS OF BOULDER,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Jaheem Rashon Marcus Anthony Hilts, is a patient at the Colorado Mental Health Institute at Fort Logan in Denver, Colorado. Mr. Hilts initiated this action by filing *pro se* a Complaint (ECF No. 1). On January 14, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Hilts to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Mr. Hilts was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Hilts has failed to file an amended complaint that complies with the pleading requirements of Rule 8 within the time allowed and he has failed to respond in any way to Magistrate Judge Gallagher's January 14 order. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with a court order. Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be

denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal he also must pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Hilts failed to prosecute and comply with a court order. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 23rd day of February, 2015.

BY THE COURT:

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