

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00163-GPG

JOHNN A. VIDMAR JR.,

Plaintiff,

v.

LT. FLOREZ,
C.O. GOMEZ, and
C.O. K. BRYAN,

Defendants.

ORDER OF DISMISSAL

Plaintiff Johnn A. Vidmar Jr. was detained at the Washington County Justice Center when he initiated this action. In an order entered on January 27, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Plaintiff to submit his claims and request to proceed pursuant to 28 U.S.C. § 1915 on proper Court-approved forms. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

The January 27 Order to Cure was returned to the Court on February 18, 2015. The envelope, in which the Order was sent to Plaintiff was marked, "Inmate No Longer at this Facility." The local rules of this Court require a litigant to file a notice of new address within five days of any address change. See D.C.COLO.LAttyR 5(c) (formerly D.C.COLO.LCivR 11.1(d), prior to the December 1, 2014 amendments). Although *pro*

se pleadings are construed liberally, *pro se* litigants are bound by the same rules of procedure that governs other litigants. See *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir.2005). Plaintiff has not filed a notice of address change with the Court.

Nonetheless, Plaintiff now has failed to communicate with the Court, and as a result he has failed to cure the deficiencies within the time allowed.

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 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 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 and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the January 27, 2015 Order, within the time allowed, and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 5th day of March, 2015.

BY THE COURT:

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