

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00171-GPG

GARY WAYNE TURNER,

Plaintiff,

v.

RICK RAEMISCH, Executive Director,
FRANCIS FAULK, Warden of Limon Corrections,
NICHOL BLATNIK, Health Service Administrator, AND
MS. RAUCH, Nurse,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Gary Wayne Turner, is in the custody of the Colorado Department of Corrections at the correctional facility in Limon, Colorado. Mr. Turner initiated this action on January 26, 2015, by filing a Prisoner Complaint and a "Motion Requesting to File for In Forma Pauperis" (ECF No. 3).

On January 27, 2015, Magistrate Judge Gordon P. Gallagher reviewed Plaintiff's filings and determined that they were deficient. Magistrate Judge Gallagher directed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the court-approved form, along with a certified copy of his trust fund account statement for the six months preceding his filing, and a signed form authorizing the disbursement of filing fee payments from his inmate trust fund account. (ECF No. 4). Magistrate Judge Boland advised Mr. Turner that he could pay the \$400.00 filing fee in lieu of submitting a § 1915 motion and affidavit. (*Id.*). Plaintiff was warned in the

January 27 Order that failure to cure the deficiencies would result in dismissal of this action without further notice. (*Id.*).

Mr. Turner has now failed to comply with the January 27 Order. Moreover, he has not communicated with the Court since he initiated this action. Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Gary Wayne Turner, to comply with the January 27, 2015 Order Directing Plaintiff to Cure Deficiencies. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Turner files a notice of appeal he must also 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. It is

FURTHER ORDERED that the “Motion Requesting to File for In Forma Pauperis” (ECF No. 3), is DENIED as moot.

DATED March 6, 2015, at Denver, Colorado.

BY THE COURT:

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