

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00248-GPG

STEPHEN HAFF, of the Haff family,

Plaintiff,

v.

THE STATE OF COLORADO,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff, Stephen Haff, currently is detained at the Denver County Jail in Denver, Colorado. Mr. Haff initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 2). He has been granted leave to proceed *in forma pauperis*.

On February 10, 2015, Magistrate Judge Gordon P. Gallagher reviewed the Complaint, determined that it was deficient, and ordered Mr. Haff to file an amended complaint that sues proper parties, complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure, and alleges facts showing the personal participation of each named defendant. Mr. Haff was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Haff 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 February 10 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff, Stephen Haff, 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 20<sup>th</sup> day of March, 2015.

BY THE COURT:

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