

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00454-GPG

MICAH BLACKFEATHER, and
MATHEW J. HOUNSHELL,

Plaintiffs,

v.

DR. LENNART ABEL, and
CMHIP STAFF,

Defendants.

ORDER OF DISMISSAL

Plaintiffs are inmates at the Colorado Mental Health Institute at Pueblo, Colorado. Plaintiffs initiated this action by filing *pro se* a document titled "Motion to Initiate Class Action Lawsuit, Temporary Restraining Order, Unbias Judge" (ECF No. 1). This civil action was commenced and, on March 4, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Plaintiffs to cure certain deficiencies if they wished to pursue any claims. Specifically, Magistrate Judge Gallagher directed Plaintiffs to file a Prisoner Complaint and either to pay filing and administrative fees totaling \$400.00 or to file individual motions seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 with the required supporting documents. Plaintiffs were warned that any Plaintiff who failed to cure the deficiencies within thirty days would be dismissed as a party to this action without further notice.

Neither Plaintiff has cured the deficiencies within the time allowed or responded

in any way to Magistrate Judge Gallagher's March 4 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

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 either 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 "Motion to Initiate Class Action Lawsuit, Temporary Restraining Order, Unbias Judge" (ECF No. 1) is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiffs failed to cure the deficiencies as directed. 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 8th day of April, 2015.

BY THE COURT:

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