

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00760-GPG

STACEY ELLA McKERN,

Plaintiff,

v.

JODY K. UPTON,
U.S. DEPARTMENT OF JUSTICE, and
FBOP,

Defendants.

ORDER OF DISMISSAL

Plaintiff Stacey Ella McKern appears to be in the custody of the Federal Bureau of Prisons and currently incarcerated at the Federal Medical Facility-Carswell in Fort Worth, Texas. Plaintiff initiated this action by filing *pro se* a Complaint, a Declaration in Support of Request for the Court to Appoint Counsel, a Motion for Appointment of Counsel, and a Certificate of Interested Persons. In an order entered on April 14, 2015, Magistrate Judge Gordon P. Gallagher told Plaintiff that if she intends to pursue an action she must cure certain deficiencies. Specifically, Magistrate Judge Gallagher directed Plaintiff to file her claims on a complete proper Court-approved Prisoner Complaint form and to submit a proper Court-approved form used by prisoners when requesting leave to proceed *in forma pauperis* in a prisoner complaint. Plaintiff was further directed to submit a certified account statement for the six months immediately preceding the filing of this action and an authorization to disburse funds from her inmate

account for payment of the filing fee, and to clarify where she currently is located and to provide an address.

Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if she failed to cure the deficiencies within thirty days. The thirty days now has run; and Plaintiff has not communicated with the Court. The Court, therefore, will dismiss the action.

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 she 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 April 14, 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.

DATED at Denver, Colorado, this 21st day of May, 2015.

BY THE COURT:

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