

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00780-GPG

JONATHAN DAVID DANIEL SCHMIER,

Plaintiff,

v.

THE CITY OF COLORADO SPRINGS,
MATTHEW J. DUNICH, Officer, Badge # 1611, and
CARLOTTA RIVERA, Detective, Badge # 1766D,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Jonathandavid Daniel Schmier, resides in Virginia Beach, Virginia. Mr. Schmier initiated this action on April 13, 2015, by filing a Complaint.

On April 15, 2015, Magistrate Judge Gordon P. Gallagher reviewed Mr. Schmier's filing and determined that it was deficient. (ECF No. 3). Magistrate Judge Gallagher directed Plaintiff to submit a Complaint and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) on the court-approved forms within thirty (30) days of the April 15 Order. (*Id.*). Judge Gallagher advised Mr. Schmier that he could obtain copies of the court-approved forms at www.cod.uscourts.gov. (*Id.*). Magistrate Judge Gallagher warned Plaintiff in the April 15 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice. (*Id.*).

Mr. Schmier has now failed to comply with the April 15 Order. Further, he has not communicated with the Court since he initiated this action on April 13, 2015.

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, Jonathandavid Daniel Schmier, to comply with the April 15, 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. Schmier 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.

DATED May 26, 2015, at Denver, Colorado.

BY THE COURT:

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