

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00842-GPG

ERIC FLORES,

Plaintiff,

v.

UNITED STATES ATTORNEY GENERAL, and  
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

---

**ORDER OF DISMISSAL**

---

On April 17, 2015, Mr. Flores, a resident of Austin, Texas, filed *pro se* a sixty-seven page “Petition to Challenge the Constitutionality of the First Amendment” (ECF 1), an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF 3), a thirty page “Motion to Transfer Multidistrict [sic] Litigation to the District of Columbia Pursuant to 28 U.S.C. & [sic] 1407 For Coordinated and Consolidated Pretrial Proceedings By Judicial Panel for Multidistrict Litigation” (ECF 4), and “Judicial Notice of Adjudicative Facts” (ECF 5).

As part of the Court’s review pursuant to D.C.COLO.LCivR 8.1(a), the court determined that Plaintiff’s documents were deficient. In an order entered on April 23, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure the deficiency if he wished to pursue his claims. (ECF No. 7). Specifically, Magistrate Judge Gallagher informed Plaintiff he needed to file his civil complaint on the court-approved form. That

Order specifically informed Mr. Flores that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days. No further pleadings have been filed by Plaintiff to date.

Plaintiff has failed to cure the deficiency within the time allowed. Therefore, the action will be dismissed without prejudice.

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 is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff 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 Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

**ORDERED** that the Complaint and the action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiency 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 Plaintiff's pending "Motion to Transfer Multidistrict [sic] Litigation" (ECF No. 4) is DENIED as moot.

DATED at Denver, Colorado, this 28<sup>th</sup> day of May, 2015.

BY THE COURT:

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