

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00854-GPG

TERRANCE FARRELL III,

Plaintiff,

v.

STATE OF COLORADO,  
CORRECTIONS CORP. OF AMERICA,  
ADMINISTRATIVE HEAD OF BVCF, and  
ADMINISTRATIVE HEAD OF CCCF,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff Terrance Farrell III is in the custody of the Colorado Department of Corrections (DOC) and incarcerated at the Crowley County Correctional Facility. In an order entered on April 22, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher directed Plaintiff to submit his claims on a proper Court-approved form use in filing prisoner complaints and either to submit a request to proceed pursuant to 28 U.S.C. § 1915 on a proper Court-approved form or in the alternative to pay the \$400 filing fee in full. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On May 4, 2015, the envelope sent to Plaintiff that contained the April 22 Order was returned to the Court and marked "REF. No. DOC #," and "Return to Sender Refused Unable to Forward." The Clerk of the Court resent the April 22, 2015 Order to Plaintiff on May 4, 2015, and included the proper DOC No. for Plaintiff. Plaintiff was given an additional thirty days from the May 4 Order to comply with the April 22 Order.

The May 4 Order has not been returned to the Court, nor has Plaintiff complied

with the April 22 Order within the time allowed. Because Plaintiff now has failed to comply within the time allowed, the Court will dismiss the Complaint and 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 he 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 22, 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.

DATED at Denver, Colorado, this 10<sup>th</sup> day of June, 2015.

BY THE COURT:

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