

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-0996-GPG

**DAVID MARTINEZ;**

Plaintiff,

v.

**STATE OF COLORADO, ET AL.,**

Defendants.

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**ORDER OF DISMISSAL**

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On May 15, 2015, the Court denied Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 because Mr. Martinez had not demonstrated that he had insufficient funds to pay the \$400.00 filing fee. The Court also ordered Plaintiff to pay the full amount of \$400.00 (\$350.00 filing fee, plus a \$50.00 administrative fee) within thirty days if he wished to pursue his claims in this action. The Court warned Plaintiff that the action would be dismissed without further notice if he failed to pay the filing fee within thirty days.

Plaintiff has failed within the time allowed to pay the filing and administrative fees as directed and he has failed to respond in any way to the May 15, 2015 Order. Therefore, the action will be dismissed for failure to pay the required filing and administrative fees.

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 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 complaint and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff failed to pay the required filing and administrative fees 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 6<sup>th</sup> day of July, 2015.

BY THE COURT:

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