

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01074-GPG

JOHNNY A. TAYLOR,

Plaintiff,

v.

SOCIAL SECURITY APPEAL COUNCIL,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Johnny A. Taylor, initiated this action by filing *pro se* a Complaint (ECF No. 1) seeking judicial review of a decision by the Commissioner of Social Security denying his claim for social security disability benefits. On May 26, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Taylor to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Gallagher specifically noted that Mr. Taylor failed to provide a short and plain statement of his claims showing he is entitled to relief because he failed to allege when his claim for social security disability benefits was denied, the reason his administrative claim was denied, and why he believes the administrative decision was erroneous. Mr. Taylor was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Taylor has failed to file an amended complaint that complies with the pleading requirements of Rule 8 within the time allowed and he has failed to respond in

any way to Magistrate Judge Gallagher's May 26 order. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with a court order.

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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Taylor failed to prosecute and comply with a court order. 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 6th day of July, 2015.

BY THE COURT:

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