

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01232-GPG

WILLIAM MABIE,

Plaintiff/Petitioner,

v.

T. K. RHODES, Warden,

Respondent.

ORDER OF DISMISSAL

Plaintiff/Petitioner William Mabie is in the custody of the Federal Bureau of Prisons and currently is incarcerated at the U.S. Penitentiary in Florence, Colorado. Mr. Mabie initiated this action by filing *pro se* a pleading titled, "Petition for Enforcement of Freedom of Information Act," ECF No. 1. In an order entered on June 11, 2015, Magistrate Judge Gordon P. Gallagher told Plaintiff that if he intends to pursue an action he must cure certain deficiencies. Specifically, Magistrate Judge Gallagher directed Plaintiff to file his claims on a complete proper Court-approved Prisoner Complaint form and to submit a § 1915 form that is complete and properly authorizes the withdrawal of funds from his account for payment of the filing fee by the agency holding him in custody, along with submitting a certified trust fund account statement for the six months immediately preceding the filing of this action.

Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. The thirty days now

has run; and Plaintiff has not communicated with the court. The Court, therefore, will dismiss the 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 June 11, 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 20th day of July, 2015.

BY THE COURT:

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