

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01293-GPG

MIKEAL GLENN STINE,

Plaintiff,

v.

MR. JOHN OLIVER, Warden ADX,
MR. JULIAN, Associate Warden ADX,
MR. C. PORRO, Unit Manager ADX,
FEDERAL BUREAU OF PRISONS (Agency),
JOHN DOE, "UNKNOWN PERSONS," and
CLAY COOK, Supervising Attorney ADX,

Defendants.

ORDER DISMISSING ACTION

Plaintiff Mikeal Glenn Stine is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX Florence. Plaintiff has submitted a pleading titled, "Petition Pursuant to Court Order Seeking to File a Pro-Se Action."

Plaintiff has been instructed on the procedure he must follow to file an action in this Court. For the Court to consider an action filed by Plaintiff, he must both comply with the restrictions he is subject to under *Stine v. Lappin, et al.*, No. 07-cv-01839-WYD-KLM, ECF No. 344 (D. Colo. Sept. 1, 2009), and assert violations of his constitutional rights that merit a waiver of the restrictions he is subject to under 28 U.S.C. § 1915(g).

Plaintiff contends he does not have access to the documents necessary to comply with restrictions set forth in Case No. 07-cv-01839-WYD-KLM. Nothing in Plaintiff's Petition demonstrates that he requested the necessary documents and prison officials denied his requests. The Inmate Bulletin that Plaintiff attaches as an exhibit does not support any argument that Plaintiff has been denied a request for documents

he may need to proceed with an action in this Court. ECF No. 1 at 4. Per the Bulletin, Plaintiff is allowed to have as his personal property legal materials for active and prospective cases. *Id.* at 5. Plaintiff asserts only that his filings from past cases have been destroyed. He does not indicate he has asked and been denied a copy of the filings restrictions stated in Case No. 07-cv-01839 or other required documents he must submit when requesting leave to proceed in an action in this case. The Petition, therefore, will be denied and the action dismissed.

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 Petition is denied and the action is dismissed without prejudice for the reasons stated above. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 23rd day of June, 2015.

BY THE COURT:

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