

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01446-LTB

ELIZABETH ANN TAFOYA,

Plaintiff,

v.

**STEVE ONLEY;
PLATINUM SUPPLEMENTAL INSURANCE,**

Defendants.

ORDER OF DISMISSAL

Plaintiff, Elizabeth Ann Tafoya, has filed *pro se* a Title VII Complaint (ECF No. 1) and has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 4). As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Ms. Tafoya's pleadings were deficient. In an order entered on July 9, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to file an amended complaint on the proper court-approved forms if she wished to pursue her claims (ECF No. 5). On August 7, 2015, Plaintiff filed a "Notice" that did not comply with the Court's July 9, 2015 Order. Consequently, on August 12, 2015, Judge Gallagher again ordered Plaintiff to file her complaint on the proper court-approved forms and directed the Clerk of Court to send her the proper forms (ECF No. 7). That Order specifically informed Plaintiff that her action would be dismissed without further notice if she failed to cure the deficiencies within thirty days.

Plaintiff has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiencies and

for failure to follow this Court's July 9, 2015 and August 12, 2015 Orders. See *U.S. ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.") (citing *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642–43 (1976)).

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 is 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 also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in 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 Fed. R. Civ. P. 41(b) for failure to cure the deficiencies, for failure to prosecute and for failure to follow court orders. It is

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

DATED at Denver, Colorado, this 30th day of September, 2015.

BY THE COURT:

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