

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-01572-GPG

MICHAEL FRANCES CLAPPER,

Plaintiff,

v.

[NO NAMED DEFENDANTS]

Defendant.

ORDER OF DISMISSAL

Plaintiff, Michael Frances Clapper, is a prisoner in the custody of the Colorado Department of Corrections currently incarcerated at the Colorado State Penitentiary. On July 20, 2015, Mr. Clapper submitted a letter to the Court and a civil rights action was initiated. On July 24, 2015, this Court reviewed Plaintiff's submitted document pursuant to D.C.COLO.LCivR 8.1(b), and determined that it was deficient. The Court ordered Plaintiff to cure certain designated deficiencies within thirty days if he wished to pursue his claims in this action. (ECF No. 3). Specifically, the Court ordered Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint on the proper court-approved forms. The Court notified Plaintiff that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

In this case, no further pleadings have been filed by Plaintiff to date. Plaintiff has failed to cure the deficiencies within the time allowed. Therefore, the action will be

dismissed without prejudice for failure to cure the deficiencies and failure to prosecute.

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 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 3rd day of September, 2015.

BY THE COURT:

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