

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01574-GPG

MARCUS R. WILLIAMS,

Plaintiff/Applicant,

v.

[NO NAMED DEFENDANTS/RESPONDENTS],

Defendants/Respondents.

ORDER OF DISMISSAL

Marcus R. Williams is in the custody of the Federal Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. Plaintiff initiated this action by filing *pro se* a Letter that does not state the purpose of the filing. On August 30, 2015, Magistrate Judge Gordon P. Gallagher entered an order and directed Plaintiff to cure certain deficiencies in the pleading. First, because it is not clear what Mr. Williams is challenging, Magistrate Judge Gallagher directed Mr. Williams to clarify the intent of his filing by utilizing the correct Court-approved form for his filing. Magistrate Judge Gallagher also directed Mr. Williams to submit a request to proceed pursuant to 28 U.S.C. § 1915 or pay the appropriate filing fee.

Magistrate Judge Gallagher warned Mr. Williams that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Because Mr. Williams now has failed to cure the deficiencies noted in the August 30

Order, within the time allowed, the Court will dismiss this action.

The Court 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 Mr. Williams files a notice of appeal he must also pay the full \$505.00 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 action is 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 7th day of October, 2015.

BY THE COURT:

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