

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01627-GPG

FRANK FORD,

Plaintiff,

v.

NO NAMED DEFENDANTS,

Defendants.

ORDER DISMISSING CASE

Plaintiff, Frank Ford, is a resident of Denver, Colorado. On July 30, 2015, he filed *pro se* a Complaint (ECF No. 1) and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (ECF No. 2). The Complaint did not name any Defendants or claims but the attached documents appear to allege that he was denied an Oreo Sweepstakes prize in 1986. (ECF No. 1 at 9). On August 5, 2015, the Court ordered Plaintiff to cure certain deficiencies in his submitted documents if he wished to pursue his case. (ECF No. 4). Specifically, the Court ordered Plaintiff to submit a complete § 1915 Motion or, in the alternative, to pay the \$400 filing fee and to submit a signed and complete Complaint. The Court notified Plaintiff that a complete Complaint should include: identifying the Defendants, asserting a basis for federal jurisdiction, and stating claims for relief, supporting factual allegations, and a request for relief. (*Id.*) The Court also warned Plaintiff that if he failed to cure the designated deficiencies in the time allowed, the action would be dismissed without further notice.

On August 26, 2015, Plaintiff filed a letter with the Court stating, "I'm sorry I don't have \$400 to send to your U.S. District Court. I have to let this case go." (ECF No. 5). After reviewing Mr. Ford's letter, it was unclear if Mr. Ford understood the Court's August 5, 2015 Order to Cure regarding his § 1915 motion. Accordingly, on September 11, 2015, the Court issued a Second Order to Cure Deficiencies and explained to Mr. Ford that he was not required to pay the filing fee at this time but that the court was ordering him to *either* pay the filing fee *or* cure the deficiencies in his § 1915 motion. (ECF No. 6 at 2). The Court gave Mr. Ford another opportunity to cure the designated deficiencies in his § 1915 motion and complaint. He was ordered to cure the designated deficiencies within thirty days of the Court's September 11, 2015 Order. He was again warned that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

In response, Plaintiff has filed three letters with the Court. (ECF Nos. 7-9). His first letter attempts to explain the factual circumstances regarding the oreo game he claims to have won in 1986. (ECF No. 7). The second letter appears to recite facts regarding a Jefferson County Court order that terminated his parental rights in 1999. (ECF No. 8). And, finally, the third letter complains that the Greyhound Bus Lines took his puppet show and did not return it to him. (ECF No. 9).

None of these letters cured the deficiencies in Mr. Ford's Complaint and § 1915 Motion. The second and third letters appear to have nothing to do with the current case. Therefore, Plaintiff has failed to cure the deficiencies within the time allowed. The action will be dismissed without prejudice for failure to cure the designated deficiencies.

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 (ECF No. 1) and the action are DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a court order and cure the deficiencies in his complaint and § 1915 motion. It is

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

FURTHER ORDERED that the pending Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) is DENIED as moot.

DATED at Denver, Colorado, this 16th day of October, 2015.

BY THE COURT:

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