

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

Civil Action No. 15-cv-01700-LTB

ZACHARY LOUIS MARNER,

Plaintiff,

v.

CREDIT SERVICE COMPANY, INC.; and
XOBILE JONES,

Defendants.

ORDER OF DISMISSAL

On August 7, 2015, Plaintiff, Zachary Louis Marner, submitted to the court yet another *pro se* complaint (ECF No. 1). As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Mr. Marner's pleadings were deficient. In an order entered on August 7, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher informed Plaintiff to file a request to proceed *in forma pauperis* pursuant to § 1915 on proper Court-approved forms. (ECF No. 3). That Order specifically informed Mr. Marner that this action would be dismissed without further notice if he 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.

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, failure to comply with this Court's August 7, 2015 Order, 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 18th day of September, 2015.

BY THE COURT:

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