

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

Civil Action No. 15-cv-001733-GPG

STACEY MCKERN,

Plaintiff,

v.

**JODY UPTON;
ANGIE WRIGHT;
CANDACE BBEN,**

Defendants.

ORDER OF DISMISSAL

On February 5, 2015, Plaintiff, Stacey McKern, submitted to the court a prisoner complaint (ECF No. 1) and an Application to Proceed in Forma Pauperis (ECF No. 3). Neither of these pleadings are on the proper court-approved forms. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Ms. McKern's pleadings were deficient. In an order entered on August 12, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if she wished to pursue her claims. Specifically, Magistrate Judge Gallagher informed Plaintiff to file a request to proceed in forma pauperis pursuant to § 1915 and a prisoner complaint on the proper Court-approved forms (ECF No. 5). 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.

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 she 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 comply with a court order. It is

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

DATED at Denver, Colorado, this 23rd day of September, 2015.

BY THE COURT:

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