

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01767-GPG

CHARLES HARRIS,

Plaintiff,

v.

R. GICONI,  
A. CERMAK,  
R. HUDDLESTON,  
R. MITCHELL,  
FEDERAL BUREAU OF PRISONS (BOP),  
JOHN DOE 1 THROUGH 4, and  
UNITED STATES OF AMERICA,

Defendants.

---

ORDER OF DISMISSAL

---

Plaintiff Charles Harris is in the custody of the Federal Bureau of Prisons currently incarcerated at the United States Penitentiary, Florence ADX, at Florence, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). In an order entered on August 18, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure enumerated deficiencies by submitting a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or in the alternative, paying the \$400 filing fee in full. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. The thirty days now has run; and Plaintiff has not communicated with the Court. The Court, therefore, will dismiss the

action for failure to cure 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 will be 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 pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the August 18, 2015 Order, within the time allowed, 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 24<sup>th</sup> day of September, 2015.

BY THE COURT:

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