

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01851-GPG

DONNIQUE HESTER,

Plaintiff,

v.

EMT, Ambulance 33, Denver Health,
JOY STEPHENS, In Official and Individual Capacities,
CASILLAS JAY JR., P13016, Police Department, In Official and Individual Capacities,
and
RICHARD SMITH, Ambulance 33, Denver Health, In Official and Individual Capacities,
Defendants.

ORDER OF DISMISSAL

On August 25, 2015, Plaintiff Donnique Hester initiated this action by filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On August 26, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to submit a certified prisoner's trust fund statement for the six-month period immediately preceding the filing of this action and to file his claims on a Court-approved form used in filing prisoners complaints. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Then on September 10, 2015, the August 26 Order was returned to the Court and the envelope was marked, "RTS" and "RELEASED."

In accordance with the Local Rules of Practice for the United States District Court for the District of Colorado, D.C.COLO.LAttyR 5(c), Plaintiff is required to notify the Court

of an address change within five days after the change. Plaintiff has failed to comply with the Court's Local Rules. Plaintiff also has now failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the 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 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 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 2nd day of October, 2015.

BY THE COURT:

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