

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01864-LTB

BRANDON BAKER,

Plaintiff,

v.

CITY OF LOVELAND;
LOVELAND POLICE DEPT.;
GORDON McGLAUGHLIN; Larimer DA;
JEFF PYLE, Loveland Police Sargent;
RICK ARNOLD, Loveland Police Lieutenant; and
ANDRES SALAZAR, Loveland Police Officer,

Defendants.

ORDER OF DISMISSAL

Plaintiff Brandon Baker currently resides in Nunn, Colorado. Plaintiff initiated this action by filing *pro se* a Complaint and an Application to Proceed in District Court Without Prepayment of Fees or Costs Pursuant to § 28 U.S.C. 1915. Magistrate Judge Gordon P. Gallagher granted the Motion on August 31, 2015. Magistrate Judge Gallagher then reviewed the merits of the Complaint and found that the Complaint failed to comply with Fed. R. Civ. P. 8. because Plaintiff failed to set forth a short and plain statement of his claims showing that he is entitled to relief.

On August 31, 2015, Magistrate Judge Gallagher filed a lengthy Order outlining the deficiencies in Plaintiff's Complaint and ordered him to file an amended complaint in compliance with Rule 8 within thirty (30) days (ECF No. 5). Magistrate Judge Gallagher warned Plaintiff that if he failed to comply with the Order to Amend within the time allowed the Court would dismiss the action without further notice. Plaintiff has failed to comply with the Court's Order to Amend within the time allowed.

The Court finds Magistrate Judge Gallagher correctly determined that Plaintiff failed to comply with Rule 8 and required him to amend the Complaint. Because Plaintiff now has failed to comply with the August 31, 2015 Order within the time allowed and fails to assert a reason why he is unable to do so, the Court will dismiss the action for failure to comply with a Court order and 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 paupers* 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 pampers* in 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 file a properly Amended Complaint within the time allowed, for failure to follow a court order and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 7th day of October, 2015.

BY THE COURT:

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