

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01976-GPG

BRIAN JACOB SHELTON, member of wezpeople advocacy group,

Plaintiff,

v.

ARAPAHOE COUNTY SHERIFF,
DEPUTY JAY TITEN #12033, and
MEDICAL CENTER OF ARAPAHOE COUNTY DETENTION FACILITY,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Brian Jacob Shelton, is an inmate at the Arapahoe County Detention Facility in Centennial, Colorado. Mr. Shelton initiated this action by filing *pro se* a Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 (ECF No. 2). On September 14, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Shelton to cure certain deficiencies if he wishes to pursue his claims. Specifically, Magistrate Judge Gallagher directed Mr. Shelton to file on the proper forms a signed Prisoner Complaint and a signed Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and to submit an authorization to calculate and disburse filing fee payments. Mr. Shelton was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Shelton has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Gallagher's September 14 order.

Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be 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 also 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 (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Shelton failed to cure the deficiencies as directed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 (ECF No. 2) is denied as moot.

DATED at Denver, Colorado, this 21st day of October, 2015.

BY THE COURT:

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