

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02045-GPG

TIMOTHY DOYLE YOUNG,

Plaintiff/Applicant,

v.

LORETTA LYNCH, U.S. Attorney General,

Defendant/Respondent.

ORDER DISMISSING CASE

Timothy Doyle Young is in the custody of the Federal Bureau of Prisons at ADX in Florence, Colorado. Mr. Young initiated this action in the United States District Court for the Central District of California by filing a pleading titled, "Civil Complaint." The Central District of California transferred the case to this Court because pursuant to 28 U.S.C. § 1391(b)(2) venue properly lies in the District of Colorado.

In review of the Complaint and other filings, Mr. Young has not used a Court-approved form to state his claims, and he has failed to submit a filing fee or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915 that is submitted on a Court-approved form used in this Court. Furthermore, rather than provide a certified trust fund account statement to the Central District of California, Mr. Young attached an administrative remedy appeal that denies his request for "multiple" copies of his trust fund account statement and states he is allowed statements when he provides a detailed request. ECF No. 5 at 4-5. Nothing Mr. Young submitted to the

Central District of California indicates he was denied a certified account statement for use in filing a § 1915 motion in a federal district court.

In *Young v. United States*, No. 14-cv-00073-LTB, ECF No. 24 (D. Colo. Apr. 22, 2014), the Court imposed filing restrictions against Mr. Young based on his abusive litigation in this Court and various other federal courts. The filing restrictions require Mr. Young to:

1. File a motion titled, "Motion Pursuant to Court Order Seeking Leave to File a Pro Se Action;"
2. Attach to the Motion a copy of the injunction that imposes these recommended filing restrictions;
3. Attach to the Motion a completed Court-approved prisoner complaint or habeas form and either pay the \$400 filing fee for a complaint or a \$5 filing fee for a habeas, or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915 on a form that is approved by this Court and applicable to the action being filed, and attach a certified inmate account statement as required;
4. Attach a list of all prisoner complaints and § 2241 actions Mr. Young currently has pending or has filed in all federal district courts;
5. Attach a notarized affidavit that certifies Mr. Young has not presented the same claims in another federal district court, that the claims are not frivolous or taken in bad faith, that the lawsuit is not interposed for any improper purpose to harass or cause unnecessary delay, and that the filing complies with this injunction, the Fed. R. Civ. P. 8, all other provisions of the Federal Rules of Civil, and the Local Rules of Practice of the United States District Court for the District of Colorado.

Because Mr. Young has failed to comply with the filing restrictions imposed in Case No. 14-cv-00073-LTB, the Court will direct the Clerk of the Court to strike the pleading filed in this case and close the action.

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 Mr. Young 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 Clerk of the Court is directed to strike ECF No. 3 and close the action because Mr. Young has failed to comply with the sanction order entered in *Young v. United States*, No. 14-cv-00073-LTB ECF No. 15 (D. Colo. Apr. 22, 2014). It is

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

DATED at Denver, Colorado, this 18th day of September, 2015.

BY THE COURT:

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