

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02211-GPG

BRADLEY RYAN KENDRICK,

Plaintiff,

v.

POTTER COUNTY SHERIFF DEPT.,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Bradley Ryan Kendrick, was detained at the Boulder County Jail when he initiated this action on October 2, 2015 by filing a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3).

On October 6, 2015, Magistrate Judge Gordon P. Gallagher reviewed the documents filed by Plaintiff and determined they were deficient. Magistrate Judge Gallagher directed Plaintiff to submit, within 30 days of the October 6 order, a complete Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, on the court-approved form, and a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of this action. (See ECF No. 4). Plaintiff was warned in the October 6 Order that failure to cure the deficiencies would result in dismissal of this action without further notice. (*Id.*). On October 19, 2015, Plaintiff submitted to the Court a letter (ECF No. 5) requesting an extension of time.

On October 21, 2015, Magistrate Judge Gallagher granted Plaintiff an extension of time to cure the designated deficiencies and directed the Clerk of Court to send two copies of the court-approved form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to Plaintiff. (See ECF No. 6). On October 29, 2015, Plaintiff submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 7), but failed to submit a certified account statement. On November 3, 2015, Magistrate Judge Gallagher entered a minute order (ECF No. 8) directing Plaintiff to submit a certified copy of his account statement for the six-month period immediately preceding the filing of this action within 30 days from the date of the minute order. Plaintiff was warned again that failure to comply with the Court's orders would result in dismissal of this action without further notice.

On November 23, 2015, the copy of the November 3 minute order mailed to Plaintiff at the Boulder County Jail was returned to the Court as undeliverable. Plaintiff has not filed a notice of change of address with the Court as required by D.C.COLO.LCivR 5.1(c). Further, he has not communicated with the Court since November 3, 2015. Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Bradley Ryan Kendrick, to comply with the Court's orders to cure designated deficiencies and with the Local Rules of this Court. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. 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 United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. It is

FURTHER ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF Nos. 3 and 7) are denied as moot.

DATED December 17, 2015, at Denver, Colorado.

BY THE COURT:

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