

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02229-GPG

SAI,

Plaintiff,

v.

TRANSPORTATION SECURITY ADMINISTRATION (TSA),

Defendants.

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ORDER OF DISMISSAL

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Plaintiff Sai currently resides in Wilmington, Delaware. Plaintiff initiated this action by filing *pro se* a Motion for CM/ECF Access for Case Initiation, ECF No. 1, in which he states in a footnote on page one that he intends to file a Freedom of Information Act (FOIA) claim. On October 9, 2015, Magistrate Judge Gordon P. Gallagher entered an order that construed the action as filed pursuant to FOIA and directed Plaintiff to submit his claims on a Court-approved form used in filing *pro se* complaints and either to submit a request to proceed without payment of a filing fee on an Application to Proceed in District Court Without Prepaying Fees and Costs § 1915 or in the alternative to pay the \$400 filing fee in full. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff now has failed to communicate with the Court, and as a result, he has failed to cure the deficiencies within the time allowed. The Court, therefore, will dismiss the action.

Finally, 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 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 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 action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies within the time allowed. It is

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

DATED at Denver, Colorado, this 12<sup>th</sup> day of November, 2015.

BY THE COURT:

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