

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02287-LTB

SOFI DARRELL DONAT,

Plaintiff,

v.

JOHN OLIVER, Warden, individually and in his official capacity;
B. TRUE, Associate Warden, individually and in his official capacity;
M. SANISTENVAN, S.I.S. Guard, individually and in his official capacity;
T. GOMEZ, Unit Manager, individually and in his official capacity;
C. SYNSVOLL, Supervisory Attorney, individually and in his official capacity; and
MUNOZ, Guard, individually and in his official capacity,

Defendants.

ORDER OF DISMISSAL

On November 24, 2015, the Court denied Plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 because he did not meet the requirements to proceed without payment of fees (ECF No. 5). The Court also ordered Plaintiff to pay the full amount of \$400.00 (\$350.00 filing fee, plus a \$50.00 administrative fee) within thirty days if he wished to pursue his claims in this action. The Court warned Plaintiff that the action would be dismissed without further notice if he failed to pay the filing fee within thirty days.

Plaintiff has failed within the time allowed to pay the filing and administrative fees as directed and he has failed to respond in any way to the November 24, 2015 Order. Therefore, the action will be dismissed for failure to pay the required filing and administrative fees.

Furthermore, 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 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 and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff failed to pay the required filing and administrative fees 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.

DATED at Denver, Colorado, this 5th day of January, 2016.

BY THE COURT:

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