

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02302-GPG

ERIC FLORES,

Petitioner,

v.

UNITED STATES ATTORNEY GENERAL, and  
FEDERAL BUREAU OF INVESTIGATION,

Respondents.

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ORDER OF DISMISSAL

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Petitioner, Eric Flores, initiated this action by filing *pro se* a sixty-four page “Petition to Challenge the Constitutionality of the First Amendment” (ECF 1), an Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) (ECF 3), a thirty-one page “Motion to Transfer Multidistrict Litigation to the District of Columbia Pursuant to 28 U.S.C. & 1407 For Coordinated and Consolidated Pretrial Proceedings By Judicial Panel for Multidistrict Litigation” (ECF 4), a “Judicial Notice of Leave of Courts Previous Order of Any Filing Restriction Against the Petitioner to File Petition that is Seeking Relief from Imminent Danger such as Death in the Public Interest of Health and Safety” (ECF 5), and a Letter (ECF No. 6). The Court reviewed the documents and determined that they were deficient. In an October 20, 2015 Order to Cure Deficiencies, the Court noted that Mr. Flores is no stranger to the federal court system, having filed over 270 cases in federal courts across the nation. The Court also warned Mr. Flores that any attempt to relitigate the same issues that were addressed

previously or are currently pending in other federal courts would result in filing restrictions. The Court directed Mr. Flores to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims, including filing his complaint and application to proceed without prepaying fees or costs on the court-approved forms. The Court also warned Mr. Flores that if he failed to cure the designated deficiencies within thirty days, the action would be dismissed without further notice.

On November 13, 2015, the copy of the October 20 Order to Cure that was mailed to Mr. Flores at the address he provided was returned to the Court as undeliverable. The returned envelope (ECF No. 8) bears a stamp or sticker that reads "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD."

Pursuant to D.C.COLO.LAttyR 5 of the Local Rules of Practice of the United States District Court for the District of Colorado-Attorney, an unrepresented party must file a notice of new address within five days of any change of address. Mr. Flores has failed to comply with the Court's local rules and, as a result, he has failed within the time allowed to cure the deficiencies as directed. Therefore, the petition and the action will be dismissed without prejudice for failure to prosecute and failure to cure deficiencies.

Furthermore, the Court certifies pursuant to § 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 Mr. Flores files a notice of appeal he also must pay the full \$505.00 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 Petition (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Petitioner, Eric Flores, failed to prosecute and cure deficiencies within the time allowed.

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 Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3) and “Motion to Transfer Multidistrict Litigation to the District of Columbia Pursuant to 28 U.S.C. & 1407 for Coordinated and Consolidated Pretrial Proceedings by Judicial Panel for Multidistrict Litigation” (ECF No. 4) are denied as moot.

DATED at Denver, Colorado, this 30<sup>th</sup> day of November, 2015.

BY THE COURT:

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