

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02341-LTB

TRAVIS HODSON,

Applicant,

v.

STEVE REAMS,

Respondent.

ORDER OF DISMISSAL

On October 23, 2015, the Court denied Applicant leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 because his inmate account showed that he has sufficient funds to pay the required \$5.00 filing fee. The Court also ordered Applicant to pay the filing fee of \$5.00 within thirty days if he wished to pursue his claims in this action (ECF No. 5). The Court warned Applicant that the action would be dismissed without further notice if he failed to pay the filing fee within thirty days.

On November 9, 2015, the Court denied Applicant's Motion to Alter or Amend the Judgment (ECF No. 6) (construed as a motion to reconsider the order denying IFP status) filed on November 2, 2015, because his account showed that he has sufficient funds to pay the required \$5.00 filing fee.

Applicant has failed within the time allowed to pay the filing fee as directed. Therefore, the action will be dismissed for failure to pay the required filing fee.

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 Applicant 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 Application for Writ of Habeas Corpus Pursuant to 28 USC 2241 and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Applicant failed to pay the required filing fee as ordered. 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 8th day of December, 2015.

BY THE COURT:

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