

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02363-GPG

NICHOLAS J. TRUJILLO,

Plaintiff,

v.

PUEBLO COUNTY JAIL SHERIFF'S OFFICE, and  
TRINITY FOOD SERVICES,

Defendants.

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ORDER OF DISMISSAL

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Plaintiff, Nicholas J. Trujillo, is a prisoner in the custody of the Colorado Department of Corrections. Mr. Trujillo initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983 claiming Defendants violated his religious rights while he was an inmate at the Pueblo County Jail. On October 27, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Trujillo to file an amended complaint that clarifies the claims he is asserting and that includes specific factual allegations in support of those claims. Magistrate Judge Gallagher provided specific instructions to Mr. Trujillo regarding the facts he must allege to state a cognizable claim against Defendants and he warned Mr. Trujillo that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Trujillo has failed to file an amended complaint within the time allowed and he has not responded in any way to Magistrate Judge Gallagher's October 27 order in this action. Therefore, the action will be dismissed without prejudice for failure to prosecute

and comply with a court order. The Court also 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 Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Trujillo failed to prosecute and comply with a court order. 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 4<sup>th</sup> day of December, 2015.

BY THE COURT:

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