

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02373-LTB

SETH C. MANSON,

Plaintiff,

v.

JP MORGAN CHASE BANK N.A.,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Seth C. Manson, filed, *pro se*, a Complaint alleging liability under the Fair Debt Collection Practices Act. He has been granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. On October 29, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Manson to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Gallagher provided specific and detailed instructions to Mr. Manson regarding the pleading requirements of Rule 8 and the factual allegations necessary to support his claims. Mr. Manson was warned that the action would be dismissed without further notice if he failed to file an amended complaint within thirty days.

Mr. Manson has failed to file an amended complaint within the time allowed and, in fact, has failed to file anything further in this action. Furthermore, the Court agrees that the Complaint does not provide a short and plain statement of Mr. Manson's claims against the named Defendant showing he is entitled to relief as required under Rule 8. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with the Federal Rules of Civil Procedure and 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. Manson failed to prosecute and comply with the Federal Rules of Civil Procedure and 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 11th day of December, 2015.

BY THE COURT:

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