

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02479-GPG

ELDRIDGE LEE GRIFFIN,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS, etc.,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Eldridge Lee Griffin, is a prisoner in the custody of the Colorado Department of Corrections. Mr. Griffin submitted to the Court *pro se* a motion (ECF No. 1) requesting copies of court orders and stating he intends to file a lawsuit. He also submitted a second motion (ECF No. 3) requesting leave to file an action without prepayment of filing fees. The instant action was commenced and, on November 12, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Griffin to cure certain deficiencies if he wishes to pursue his claims. Specifically, Magistrate Judge Gallagher directed Mr. Griffin to file a Prisoner Complaint and either to pay filing and administrative fees totaling \$400.00 or to file on the proper form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with a certified copy of his inmate trust fund account statement and a signed authorization to calculate and disburse filing fee payments. Mr. Griffin was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Griffin has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Gallagher's November 12 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

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 motions (ECF Nos. 1 & 3) are denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Griffin failed to cure the deficiencies 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 21st day of December, 2015.

BY THE COURT:

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