

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02513-GPG

ADRIAN CARTER, Sovereign,

Plaintiff,

v.

SOCIAL SECURITY, et al.,

Defendants.

ORDER OF DISMISSAL

Lynn Raynor, an individual, submitted to the Court on behalf of Plaintiff, Adrian Carter, a document titled "Conspiracy to Withhold Taxes in Violation of the Constitution Article I Sect. 9 No Capitation or Other Direct Tax Shall be Laid, Unless in Proportion to the Sensus [sic] or Enumeration Herein Before Directed to be Taken" (ECF No. 1). Because it appeared that Plaintiff may have intended to file a lawsuit, this action was commenced. On November 16, 2015, Magistrate Judge Gordon P. Gallagher entered an order advising Ms. Raynor that she may not represent another *pro se* litigant in federal court and directing Plaintiff to cure certain deficiencies if he wishes to pursue his claims. Specifically, Magistrate Judge Gallagher directed Plaintiff to file a Complaint and either to pay filing and administrative fees totaling \$400.00 or to file on the proper form a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Plaintiff 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 16 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff 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