

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02578-GPG

THOMAS WARREN RAY,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendants.

ORDER OF DISMISSAL

Plaintiff, Thomas Warren Ray, was in Garfield County Community Corrections at the time he initiated this action on November 24, 2015 by filing a Letter (ECF No. 1) with the Court seeking unspecified injunctive relief.

On November 25, 2015, Magistrate Judge Gordon P. Gallagher reviewed Mr. Ray's filing and determined that it was deficient. (ECF No. 3). Magistrate Judge Gallagher directed Plaintiff to submit a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, on the court -approved forms, within thirty (30) days of the November 25 Order. (*Id.*). Magistrate Judge Gallagher further instructed Mr. Ray that he could pay the \$400.00 filing fee in lieu of filing an *in forma pauperis* motion. Magistrate Judge Gallagher also ordered the clerk of the court to send Mr. Ray copies of the court-approved forms. Magistrate Judge Gallagher warned Plaintiff in the November 25 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice. (*Id.*).

On December 14, 2015, the copy of the November 25 Order sent to Mr. Ray was

returned to the court as undeliverable. (ECF No. 4). Mr. Ray has not filed a notice of change of address, as required by the local rules of this Court. See D.C.COLO.LCivR 5.1(c). Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Thomas Warren Ray, to comply with the November 25, 2015 Order Directing Plaintiff to Cure Deficiencies and with the local rules of this Court. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Ray files a notice of appeal he must also 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.

DATED January 7, 2016, at Denver, Colorado.

BY THE COURT:

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