

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02600-GPG

WILLIAM DUNLAP,

Plaintiff,

v.

NO NAMED DEFENDANTS,

Defendants.

ORDER OF DISMISSAL

On November 25, 2015, Plaintiff submitted to the court a letter (ECF No. 1) he described as a request to appeal a medicare determination. Because it appeared that Plaintiff intended to initiate a lawsuit, the instant action was commenced. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Mr. Dunlap's pleadings were deficient. In an order entered on November 30, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher informed Plaintiff to file a civil complaint on the proper form and to file a request to proceed *in forma pauperis* pursuant to § 1915 on proper Court-approved forms or pay the requisite filing fee. (ECF No. 3). That Order specifically informed Mr. Dunlap that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. No further pleadings have been filed by Plaintiff to date.

Plaintiff has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiencies.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not taken in good faith, and, therefore, *in forma pauperis* status is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff 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 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 Fed. R. Civ. P. 41(b) for failure to cure the deficiencies, failure to follow a court order, and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 5th day of January, 2016.

BY THE COURT:

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