

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02707-GPG

MATTHEW DAVID MURPHY,

Plaintiff,

v.

CHEYENNE MOUNTAIN RE-ENTRY CENTER, Individually and Officially,
STEVE HARTLEY, Director, Individually and Officially,
CASE MANAGER McCLAIN, Individually and Officially,
CASE MANAGER OLSTEIN, Individually and Officially, and
UNKNOWN JOHN AND JANE DOE EMPLOYEES, Individually and Officially,

Defendants.

ORDER OF DISMISSAL

On December 14, 2015, Plaintiff Matthew David Murphy initiated this action by filing a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On December 16, 2015, Magistrate Judge Gordon P. Gallagher directed Plaintiff to submit a certified prisoner's trust fund statement for the six-month period immediately preceding the filing of this action. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days.

Plaintiff now has failed to communicate with the Court, and as a result he has failed to cure the deficiency within the time allowed. The Court, therefore, will dismiss the action.

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 deficiency and for failure to prosecute. It is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 22nd day of January, 2016.

BY THE COURT:

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