

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02780-GPG

VIRGIL CROFFER,

Applicant,

v.

[NO NAMED RESPONDENT],

Respondent.

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ORDER OF DISMISSAL

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Applicant Virgil Croffer is a pretrial detainee at the Adams County Detention Facility in Brighton, Colorado. On December 17, 2015, Applicant initiated this action by submitting *pro se* to the Court a Letter that challenges Applicant's pretrial proceedings in Case No. 2015CS014267. After review of the Letter, Magistrate Judge Gordon P. Gallagher entered an order, on December 23, 2015, directing Applicant to cure certain deficiencies, which are to file his claims on a proper Court-approved form and either to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action or in the alternative to pay the \$5 filing fee. Applicant was warned that if he failed to comply with the December 23 Order within the time allowed the action would be dismissed without further notice.

Applicant now has failed to respond to the December 23, 2015 Order. As a result, he has failed to comply with Magistrate Judge Gallagher's directives within the time allowed. Therefore, the action will be dismissed.

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 will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal he 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 Application is denied and the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the noted deficiencies 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 no certificate of appealability shall issue because Applicant has failed to show that jurists of reason would find it debatable that the district court was correct in its procedural ruling. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

DATED at Denver, Colorado, this 1<sup>st</sup> day of February, 2016.

BY THE COURT:

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