

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00023-GPG

BARBARA FREEMAN,

Plaintiff,

v.

MEDICAL BOARD AND MEDICAL PROVIDER, D.W.C.F., and
COLORADO DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER OF DISMISSAL

Plaintiff, Barbara Freeman, is a prisoner in the custody of the Colorado Department of Corrections. Ms. Freeman initiated this action by filing *pro se* a “Preliminary Injunction/Restraining Order” (ECF No. 1) stating her intent to file a 42 U.S.C. § 1983 action challenging a change in her pain medication. On January 6, 2016, Magistrate Judge Gordon P. Gallagher ordered Ms. Freeman to file a Prisoner’s Complaint on the court-approved form and a Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or to pay the \$400.00 filing fee. Magistrate Judge Gallagher advised Ms. Freeman that the action would be dismissed without further notice if she failed to cure the designated deficiencies within thirty days.

On February 9, 2016, Magistrate Judge Gallagher granted Ms. Freeman an extension of time to cure the deficiencies in this action by submitting the required documents by March 10, 2016. Magistrate Judge Gallagher again informed Ms. Freeman that the action would be dismissed without further notice if she failed to cure

the deficiencies within the time allow.

Ms. Freeman has failed to cure the designated deficiencies within the time allowed and she has not responded in any way to the February 9 minute order. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with a court order. The Court also 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 she 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 Barbara Freeman failed to prosecute and comply with a court order. 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. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 16th day of March, 2016.

BY THE COURT:

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