

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00040-GPG

RAYMOND E. COLLINS JR.,

Plaintiff,

v.

WELD COUNTY SHERIFF STEVEN REAMS,
WELD COUNTY UNDER SHERIFF STERLING GEESAMAN,
WELD COUNTY DA OFFICE, and
WELD COUNTY PUBLIC DEFENDER OFFICE,

Defendants.

ORDER OF DISMISSAL

Plaintiff Raymond E. Collins, Jr. is detained at the Weld County Jail in Greeley, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On January 7, 2016, Magistrate Judge Gordon P. Gallagher granted Plaintiff leave to proceed pursuant to § 1915.

After reviewing the Complaint, Magistrate Judge Gallagher entered an order on January 8, 2016, that directed Plaintiff to file an amended complaint. Magistrate Judge Gallagher found that Plaintiff's claims do not comply with Fed. R. Civ. P. 8, because (1) in part his claims more properly are raised pursuant to 28 U.S.C. § 2254; (2) he asserts claims against immune parties; and (3) he fails to state how any properly named defendants personally participated in violating his constitutional rights. Magistrate

Judge Gallagher directed Plaintiff to amend and state what a defendant did to him, when the defendant did it, how the defendant's action harmed him, and what specific right the defendant violated.

On January 14, 2016, Plaintiff filed a Letter that requests he be allowed to amend and names new defendants and claims. Magistrate Judge Gallagher denied the request as moot per the January 8, 2016 Order to Amend. Plaintiff then filed two more letters, one on January 26, 2016, and the other on February 3, 2016. Both of the letters challenge Plaintiff's pending state criminal proceeding.

Magistrate Judge Gallagher warned Plaintiff that this action would be dismissed without further notice if he failed to comply within thirty days of the Court's January 8 Order to Amend. Plaintiff now has failed to comply within the time allowed. The action, therefore, 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 Plaintiff 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 Complaint and action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with 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 18th day of February, 2016.

BY THE COURT:

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