

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00139-GPG

BOBBY E. BURTON, JR.,

Plaintiff,

v.

ANDERSON, Warden

Defendant.

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ORDER OF DISMISSAL

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Plaintiff Bobby E. Burton, Jr. currently is held at the Coffield Prison Unit in Tennessee Colony, Texas. Plaintiff initiated this action by filing *pro se* a Prisoner's Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On January 20, 2016, Magistrate Judge Gordon P. Gallagher entered an order and directed Plaintiff to cure certain deficiencies if he desired to proceed with an action. Specifically, Magistrate Judge Gallagher directed Plaintiff to sign the Prisoner Complaint and the Motion and Affidavit and to complete all sections of each form. Applicant was further directed to provide an authorization to calculate and disburse filing fee payments. Magistrate Judge Gallagher warned Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Because Plaintiff now has failed to cure the deficiencies noted in the January 20, 2016 Order, within the time allowed, the Court will dismiss this action.

The Court 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 \$505.00 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 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 7<sup>th</sup> day of March, 2016.

BY THE COURT:

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