

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00262-GPG

DEBORAH SUE PINTER,

Plaintiff,

v.

ROSEMARY LOPER,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Deborah Sue Pinter, resides in Greeley, Colorado. On February 3, 2016, Ms. Pinter submitted a “Motion to File Without Payment of Filing Fee” (ECF No. 1). The Court opened a new civil action.

On February 4, 2016, Magistrate Judge Gordon P. Gallagher reviewed Plaintiff’s filing and determined that it was deficient. Magistrate Judge Gallagher issued an order directing Ms. Pinter to file a Complaint on the court-approved form, within 30 days of the February 4 Order, along with an Application to Proceed in District Court without Prepaying Fees or Costs (Long Form). (ECF No. 3). Ms. Pinter was further advised that she could pay the \$400.00 filing fee instead of filing an *in forma pauperis* motion. (*Id.*). Plaintiff was warned that failure to comply with the February 4 Order would result in dismissal of this action without further notice.

On February 18, 2016, the copy of the Order Directing Plaintiff to Cure Deficiencies that was mailed to Plaintiff at her residential address was returned to the Court as

undeliverable. (ECF No. 4). Consequently, on February 22, 2016, Magistrate Judge Gallagher issued a minute order directing the clerk of the court to resend a copy of the February 4 Order to Plaintiff at a P.O. Box address she provided in her initial filing. (ECF No. 5). Magistrate Judge Gallagher granted Ms. Pinter an extension of time, until March 22, 2016, to comply with the February 4 Order. (*Id.*).

Ms. Pinter has now failed to comply with the February 4 Order. Furthermore, she has not communicated with the Court since she initiated this action on February 3, 2016. Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Deborah Sue Pinter, to comply with the February 4, 2016 Order Directing Plaintiff to Cure Deficiencies and with the February 22, 2016 minute order. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Ms. Pinter files a notice of appeal she must also 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. It is

FURTHER ORDERED that all pending motions are DENIED as moot.

DATED April 1, 2016, at Denver, Colorado.

BY THE COURT:

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