

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00485-GPG

JAE HYEON LIM,

Plaintiff,

v.

SAMUEL CHOI/WELLS FARGO BANK,

Defendant.

ORDER OF DISMISSAL

Plaintiff, Jae Hyeon Lim, is an inmate at the Gilpin County Detention Facility in Blackhawk, Colorado. Mr. Lim initiated this action by filing *pro se* a motion for a search warrant application under Colorado state law (ECF No. 1), a letter to the Court (ECF No. 1-1), and an Inmate Motion Requesting to File Without Prepayment of Filing/Service Fees (ECF No. 2). On February 29, 2016, Magistrate Judge Gordon P. Gallagher entered an order directing Mr. Lim to cure certain deficiencies if he wishes to pursue any claims. Specifically, Magistrate Judge Gallagher directed Mr. Lim to file a Prisoner Complaint and either to pay filing and administrative fees totaling \$400.00 or to file on the proper form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with a certified copy of his inmate trust fund account statement and a signed authorization to calculate and disburse filing fee payments. Mr. Lim was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Lim has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Gallagher's February 29 order. Therefore,

the action will be dismissed without prejudice for failure to cure the deficiencies.

Furthermore, 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 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 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 this action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Lim failed to cure the deficiencies as directed. 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 the motion for a search warrant application (ECF No. 1) and the Inmate Motion Requesting to File Without Prepayment of Filing/Service Fees (ECF No. 2) are denied as moot.

DATED at Denver, Colorado, this 6th day of April, 2016.

BY THE COURT:

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