

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 21-cv-00042-GPG

HENRY LEE GRIFFIN, JR.,

Plaintiff,

v.

JARED S. POLIS,
THE STATE OF COLORADO,
PHILLIP J. WEISER,
DEAN WILLIAMS,
JASON LENGERICH, and
ALL OF SOUTH UNIT REAL PROPERTY IN BUENA VISTA CORRECTIONAL
COMPLEX,

Defendants.

ORDER OF DISMISSAL

On February 22, 2021, the Court denied Plaintiff leave to proceed in this action under 28 U.S.C. § 1915 because he is subject to the filing restriction in § 1915(g). The Court also ordered Plaintiff to pay the full amount of \$402.00 (\$350.00 filing fee, plus a \$52.00 administrative fee) within thirty days to pursue his claims in this action. The Court warned Plaintiff that the action would be dismissed without further notice if he failed to pay the full amount of \$402.00 within thirty days. And his motion for a 120-day extension of time to pay was denied. (ECF No. 9).

Plaintiff has failed within the time allowed to pay the filing and administrative fees as directed. Therefore, the action will be dismissed. 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). In addition, because Plaintiff is subject to the filing restriction in 28 U.S.C. § 1915(g), he must pay the full \$505 appellate filing fee if he files a notice of appeal.

Accordingly, it is

ORDERED that the Prisoner Complaint (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Plaintiff failed to pay the required filing and administrative fees as directed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 2nd day of April, 2021.

BY THE COURT:

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