

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

October 29, 2014

Elisabeth A. Shumaker
Clerk of Court

TARNELL JONES,

Plaintiff - Appellant,

v.

DR. KUPRIVNIKAR; SAN CARLOS
FACILITY RULE OF TAKING MEDS,

Defendants - Appellees.

No. 14-1360
(D.C. No. 1:14-CV-01877-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY**, and **MATHESON**, Circuit Judges.

Pro se plaintiff Tarnell Jones is in the custody of the Colorado Department of Corrections. He appeals from the district court's dismissal of his complaint without prejudice under Fed. R. Civ. P. 41(b). The district court based the dismissal on Mr. Jones's failure to provide an account statement certified by an authorized prison official

* After examining Appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

to correct a deficient motion to proceed without prepayment of his filing fee under 28 U.S.C. § 1915. We have jurisdiction under 28 U.S.C. § 1291.

In his appellate brief, Mr. Jones attempts to describe the substance of his claim, but he fails to address whether the district court erred in dismissing his complaint. We discern no error and affirm.

We also deny Mr. Jones's motion to proceed on appeal without prepayment of his filing fee. The appeal lacks merit, and, as in the district court, his motion is deficient.

In sum, we affirm the district court's dismissal of the complaint, and we deny the request for *in forma pauperis* status.

ENTERED FOR THE COURT

Scott M. Matheson, Jr.
Circuit Judge