

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 21 2009

GREGORY C. LANGHAM  
CLERK

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Civil Action No. 08-cv-02445-BNB

JAMISON MOORE ALFORD,

Plaintiff,

v.

J. M. WILNER, Warden, FCI Florence,

Defendant.

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ORDER OF DISMISSAL

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Plaintiff Jamison Moore Alford is in the custody of the United States Bureau of Prisons and currently is incarcerated at FCI Florence in Florence, Colorado. Mr. Alford initiated this action by filing a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. In the Application, Mr. Alford asserts that he has a learning disability and needs audio tape recordings of all drug treatment books so that he may participate in the Residential Drug and Alcohol Treatment Program authorized under 18 U.S.C. § 3621(b).

In an order entered on December 2, 2008, Magistrate Judge Boyd N. Boland found that Mr. Alford is asserting civil rights claims rather than habeas corpus claims. Relying on *Richards v. Bellmon*, 941 F.2d 1015, 1018 (10<sup>th</sup> Cir. 1991), Magistrate Judge Boland construed this action as filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and instructed Mr. Alford to submit his claims on a Court-approved form used in filing prisoner complaints.

Mr. Alford also was instructed to submit to the Court a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 if he desired to proceed *in forma pauperis*.

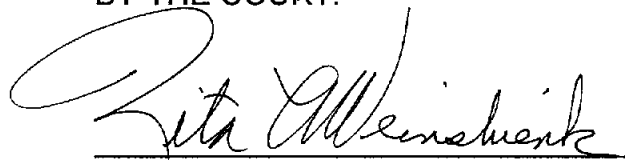
Plaintiff now has failed to communicate with the Court, and as a result he has failed to cure the deficiencies within the time allowed. Upon review of the Application form that Mr. Alford submitted, the Court finds that the Mr. Alford's claims more properly are asserted in a prisoner complaint action, and the action should be dismissed for failure to comply with Magistrate Judge Boland's December 2, 2008, Order.

Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 15 day of Jan, 2009.

BY THE COURT:

  
ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 08-cv-02445-BNB

Jamison Moore Alford  
Prisoner No. 16730-047  
FCI-Florence  
P.O. Box 6000  
Florence, CO 81226-6000

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/21/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk