

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 02 2009

Civil Action No. 08-cv-02539-BNB

GREGORY C. LANGHAM
CLERK

RONALD F. ROMERO,

Applicant,

v.

MICHELLE KEDELTY, Supervising Corrections Officer, Chief Ignacio Justice Center,
Towaoc, Colorado,

Respondent.

ORDER OF DISMISSAL

Applicant Ronald F. Romero initiated this action by submitting to the Court a *pro se* Petition for Writ of Habeas Corpus filed pursuant to 25 U.S.C. §§ 1302 and 1303 claiming he is being detained illegally at the Chief Ignacio Justice Center in Towaoc, Colorado. On November 21, 2008, Magistrate Judge Boyd N. Boland entered an order directing the Clerk of the Court to commence a civil action and instructing Mr. Romero to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Romero to file his claims on a Court-approved form used in filing habeas corpus actions and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Romero was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.


On December 22, 2008, Mr. Romero filed a Prisoner's Motion and Affidavit, but he failed to provide a certified copy of his inmate account statement and to file his

claims on a Court-approved form. Magistrate Judge Boland, on December 23, 2008, granted Applicant a thirty-day extension of time to once again attempt to cure all of the deficiencies. The December 23, 2008, Order was returned to the Court on January 9, 2009, and the envelope, in which the Order was sent to Mr. Romero, was marked, "Return to Sender Attempted Not Known Unable to Forward," and "Not at this address-Return to Sender." Pursuant to Rule 10.1M. of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, a party must file a notice of a new address within ten days of any change of address. Nonetheless, Mr. Romero now has failed to communicate with the Court, and as a result he has failed to cure the deficiencies within the time allowed. Accordingly, it is

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

DATED at Denver, Colorado, this 30 day of Jan., 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

Civil Action No. 08-cv-02539-BNB

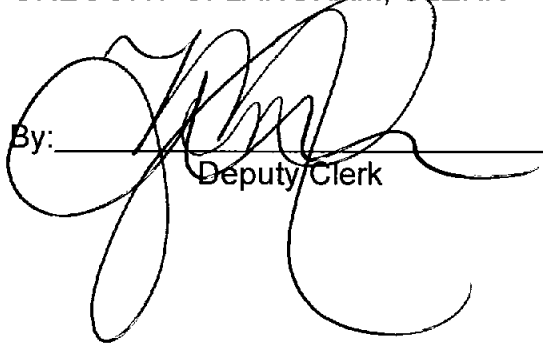
Ronald F. Romero
Chief Ignacio Justice Center
Adult Detention
P.O. Box 129
Towaoc, CO 81334

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/2/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'G. Langham'.