

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

APR 23 2009

GREGORY C. LANGHAM  
CLERK

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Civil Action No. 09-cv-00353-ZLW

JEREMY PINSON,

Applicant,

v.

DARRELL B. DREW,

Respondent.

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ORDER GRANTING REQUEST TO REINSTATE CASE

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Applicant Jeremy Pinson is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Coleman, Florida. The matter before the Court is the Motion to Vacate Judgment Mr. Pinson, a *pro se* litigant, filed on April 13, 2009, in the instant 28 U.S.C. § 2241 action. In the Motion, Mr. Pinson seeks reconsideration of the Order of Dismissal that was entered on April 2, 2009, and reinstatement of the case.

This action was dismissed without prejudice because Mr. Pinson failed to comply with the February 20, 2009, Order directing him to either pay the filing fee or submit to the Court a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action. The envelope, in which the February 20, 2009, Order to Cure was mailed to Mr. Pinson, was returned to the Court marked "Return to Sender Attempted not Known Unable to Forward." Upon further review of the address on the

envelope, in which the February 20, 2009, Order was sent to Mr. Pinson, the Court finds that although the name and the post office box number are correct, inadvertently the city and state are incorrect. The envelope was sent to Florence, Colorado, rather than Coleman, Florida. Accordingly, it is

ORDERED that Mr. Pinson's Motion to Vacate Judgment, filed on April 13, 2009, is granted. It is

FURTHER ORDERED that the Order of Dismissal and the Judgment, both filed on April 2, 2009, are vacated. It is

FURTHER ORDERED that the Clerk of the Court is directed to reinstate this action. It is

FURTHER ORDERED that Mr. Pinson, within thirty days of the date of this Order, submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action or in the alternative pay the \$5.00 filing fee. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Pinson, together with a copy of this Order, two copies of the current Court-approved form: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. It is

FURTHER ORDERED that if Mr. Pinson fails either to submit the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action form or in the alternative to submit the \$5.00 filing fee, **within thirty**

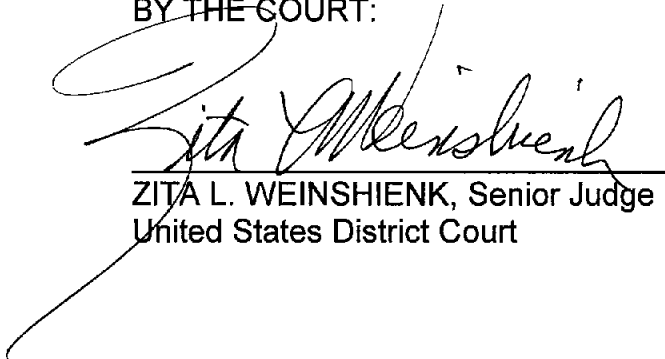
**days from the date of this Order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the case and action again are referred to Magistrate Judge Boyd N. Boland for further initial review. It is

FURTHER ORDERED that process shall not issue until further order of the Court.

DATED at Denver, Colorado, this 22 day of April, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Zita Weinsienk", is written over a horizontal line. The signature is cursive and somewhat stylized.

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. 09-cv-00353-ZLW

Jeremy Pinson  
Reg. No. 16267-064  
US Penitentiary Coleman  
P.O. Box 1034  
Coleman, Florida 33521

I hereby certify that I have mailed a copy of this **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** in a **Habeas Corpus Action form** to the above-named individuals on 4/23/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

Deputy Clerk