

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00485-BNB

JONATHAN D. LUCAS,

Applicant,

v.

WARDEN R. WILEY,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 17 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL


Applicant Jonathan D. Lucas is in the custody of the United States Bureau of Prisons and currently is incarcerated at the Federal Correctional Institution in Florence, Colorado. Mr. Lucas initiated this action by filing a *pro se* Letter asserting that he has been denied proper placement in an RRC facility pursuant to 18 U.S.C. § 3621(b). In an order entered on March 6, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Lucas to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Lucas to file his claims on a Court-approved form used in filing claims raised pursuant to 28 U.S.C. § 2241. Magistrate Judge Boland also instructed Mr. Lucas either to pay the filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Lucas was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On April 3, 2009, Mr. Lucas filed the proper Court-approved forms used in filing 28 U.S.C. § 2241 actions and requests to proceed pursuant to 28 U.S.C. § 1915. The § 1915 Motion and Affidavit form, however, is deficient, because Mr. Lucas did not submit a certified copy of his inmate trust fund account statement in support of the Motion, as required pursuant to 28 U.S.C. § 1915(a)(2), and as specified on Page Two of the § 1915 Motion and Affidavit form. Therefore, the action will be dismissed without prejudice for failure to cure all noted deficiencies. Accordingly, it is

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

DATED at Denver, Colorado, this 16 day of April, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

Civil Action No. 09-cv-00485-BNB

Jonathan D. Lucas
Reg No. 07203-025
FCI - Florence
P.O. Box 6000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 4/17/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk