

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00567-BNB

HENRY STONE,

Applicant,

v.

KEVIN MILYARD, SCF, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 23 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

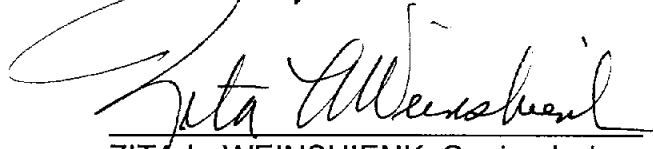
Applicant Henry Stone initiated this action by filing *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 27, 2009, Mr. Stone filed on the proper form an amended application for a writ of habeas corpus. On April 1, 2009, Magistrate Judge Boyd N. Boland ordered Mr. Stone to file a second amended application for a writ of habeas corpus that provides a clear statement of his claims with specific factual support. Mr. Stone was warned that the action would be dismissed without further notice if he failed to file a second amended habeas corpus application within thirty days. On May 5, 2009, and again on June 9, 2009, Magistrate Judge Boland entered minute orders granting Mr. Stone's requests for extensions of time to file a second amended application.

Mr. Stone has failed to file a second amended application within the time allowed. Therefore, the action will be dismissed without prejudice for failure to file a second amended application as directed. Accordingly, it is

ORDERED that the habeas corpus application and the amended application are denied and the action is dismissed without prejudice for failure to file a second amended application as directed.

DATED at Denver, Colorado, this 22 day of July, 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. 09-cv-00567-BNB

Henry Stone
Prisoner No. 49342
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 7/23/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk