

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00998-BNB

GREG HOLBO,

Applicant,

v.

WARDEN AT STERLING CORRECTIONAL FACILITY,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 02 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant Greg Holbo is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Sterling, Colorado, Correctional Facility. He initiated this action by filing a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. In an order filed on April 30, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Holbo to submit a certified statement showing the current balance in his prison account. Mr. Holbo was warned that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days.

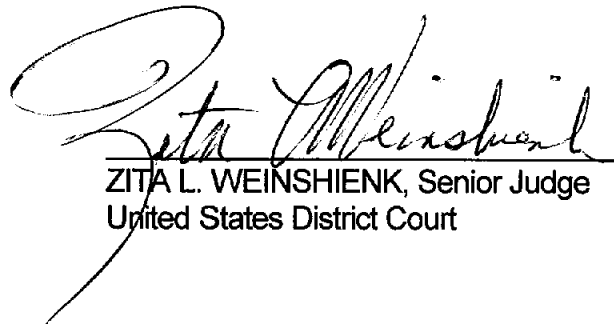
On May 11, 2009, Mr. Holbo filed a copy of a request he submitted to the Sterling Correctional Facility Business Office, on May 7, 2009, in which he asked for four certified copies of his inmate banking statement for the six months prior to May 8,

2009. On June 4, 2009, Magistrate Judge Boland entered a Minute Order instructing Mr. Holbo that he only needed to submit a certified statement indicating the current amount in his inmate account and allowing him an additional twenty days to provide the certified statement. Mr. Holbo has not communicated with the Court and as a result has failed to cure the identified deficiency 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 deficiency.

DATED at Denver, Colorado, this 1 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-00998-BNB

Gregory Holbo
Prisoner No. 105386
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 7/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk