

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01171-BNB

J. BRENT LIEDTKE,

Applicant,

v.

R. WILEY, Warden FPC Florence,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 23 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant, J. Brent Liedtke, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the Federal Correctional Institution in Florence, Colorado. On June 4, 2009, Mr. Liedtke filed *pro se* an amended application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He paid the \$5.00 filing fee for a habeas corpus action.

On June 10, 2009, Magistrate Judge Boyd N. Boland entered an order directing Mr. Liedtke to file within thirty days an amended pleading because the claims he asserted were civil rights, not habeas corpus, claims. In the June 10 order, Magistrate Judge Boland also directed Mr. Liedtke either to pay immediately the \$345.00 balance due on the \$350.00 filing fee for a civil rights action or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and, if allowed to proceed pursuant to § 1915, to make monthly payments in accordance with § 1915(b)(2) until the filing fee was paid in full. Magistrate Judge Boland warned Mr.

Liedtke that failure to comply with the June 10 order within the time allowed would result in the dismissal of the instant action without further notice. On July 15, 2009, the Court overruled Mr. Liedtke's June 30, 2009, objection to the June 10 order.

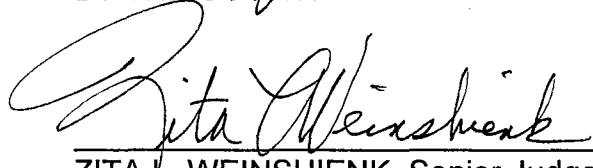
Mr. Liedtke has failed within the time allowed to file an amended pleading as directed or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the habeas corpus application is denied and the action dismissed without prejudice for the failure of Applicant, J. Brent Liedtke, within the time allowed to comply with the directives of the June 10, 2009, order for an amended pleading and for his failure to prosecute. It is

FURTHER ORDERED that the motion filed on June 17, 2009, for issuance of a writ of habeas corpus and scheduling of an evidentiary hearing is denied as moot.

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

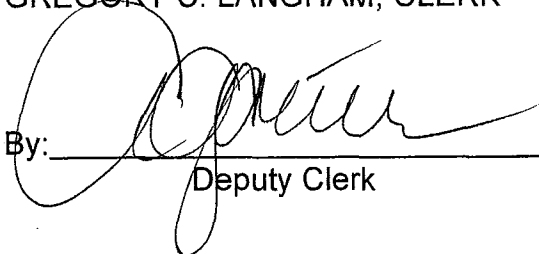
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J. Brent Liedtke
Reg No. 83237-079
FCI – Florence
P.O. Box 6000
Florence, CO 81226-6000

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: _____

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

Deputy Clerk