

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01350-BNB

GENE ALLEN,

Petitioner,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 23 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Petitioner Gene Allen is in the custody of the Nevada Department of Corrections and currently is incarcerated at the Northern Nevada Correctional Center in Carson City, Nevada. Mr. Allen initiated this action by filing a *pro se* pleading titled, "Motion to Modify an Illegal Sentence." In an order entered on June 10, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Allen to cure certain deficiencies if he wished to pursue his claims.

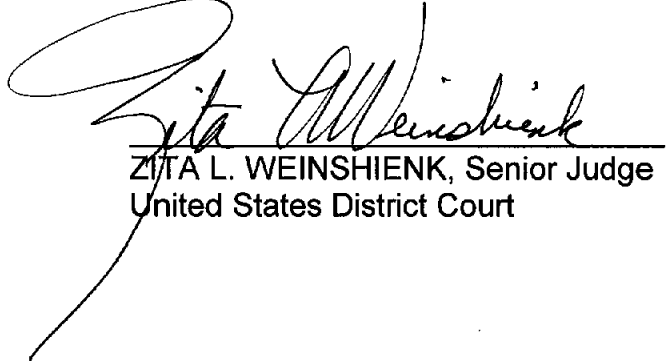
Specifically, Magistrate Judge Boland ordered Mr. Allen to file his claims on a Court-approved form used in filing claims raised pursuant to 28 U.S.C. § 2254. Magistrate Judge Boland also instructed Mr. Allen either to pay the filing fee or in the alternative to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Allen was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On June 22, 2009, Mr. Allen filed the proper Court-approved form used in filing a request to proceed pursuant to 28 U.S.C. § 1915. Nonetheless, he failed to submit his claims on a Court-approved 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 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

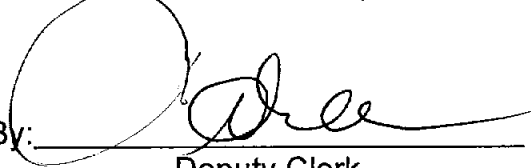
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Gene Allen
Prisoner No. 76542
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

Gene Allen
Prisoner No. 76542
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419-5110

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 9/23/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk