

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01740-BNB

ANTHONY S. DEMBRY,

Applicant,

v.

PAM PLOUGHE, Acting Warden, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 02 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant Anthony S. Demby is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Colorado Territorial Correctional Facility in Cañon City, Colorado. He initiated this action by submitting a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254.


In an order entered on July 23, 2009, the Court denied Mr. Demby leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 because he alleged that he had \$268.66 in his prison trust fund account. The July 23, 2009, Order directed Mr. Demby to pay the full \$5.00 filing fee within thirty days, and warned him that if he failed to do so within the time allowed the Application would be denied and the action dismissed without prejudice and without further notice.

Mr. Demby has failed within the time allowed to pay the \$5.00 filing fee or otherwise communicate with the Court in any way. Accordingly, it is

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

DATED at Denver, Colorado, this 1st day of Sept., 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-01740-BNB

Anthony S. Dembrey
Prisoner No. 104886
Colorado Territorial Corr. Facility
P.O. Box 1010
Cañon City, CO 81215-1010

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 9/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk