

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01911-BNB

NAM NGUYEN,

Applicant,

v.

PAM PLOUGHE, Acting C.T.C.F. Warden, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
OCT -2 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant Nam Nguyen initiated this action by filing *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the validity of his conviction in Denver District Court case number 96CR2218. In an order filed on August 25, 2009, Magistrate Judge Boyd N. Boland directed Mr. Nguyen to file an amended application that clarifies the exact claims he is asserting and that provides specific factual allegations in support of each asserted claim. Mr. Nguyen was warned that the action would be dismissed without further notice if he failed to file an amended application within thirty days.

Mr. Nguyen has failed to file an amended application as directed within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's August 25 order. Therefore, the application will be denied and the action will be dismissed without prejudice for failure to file an amended application. Accordingly, it is

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

DATED at Denver, Colorado, this 20 day of Oct., 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

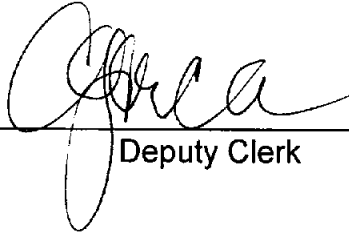
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Nam Nguyen
Prisoner No. 92072
Colorado Territorial Corr. Facility
P.O. Box 1010
Cañon City, CO 81215-1010

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/2/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk