

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02431-BNB

VERNON DALE JAGO,

Applicant,

v.

RAE TIMME, and
JOHN W. SUTHERS, Attorney General of the State of Colorado,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 19 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant Vernon Dale Jago initiated this action by filing *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 combining claims challenging the validity of his sentence, the execution of his sentence, and the conditions of his confinement. On November 19, 2009, Mr. Jago filed an amended application for a writ of habeas corpus raising claims challenging only the execution of his sentence. On November 20, 2009, Magistrate Judge Boyd N. Boland directed Mr. Jago to file a second amended application on the proper form. Mr. Jago was warned that the action would be dismissed without further notice if he failed to file an amended application on the proper form within thirty days.

Mr. Jago has failed within the time allowed to file a second amended application as directed and he has failed to respond in any way to Magistrate Judge Boland's November 20 order. Therefore, the action will be dismissed without prejudice for failure to file a second amended application as directed. Accordingly, it is

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

FURTHER ORDERED that no certificate of appealability will issue because Applicant has not made a substantial showing of the denial of a constitutional right.

DATED at Denver, Colorado, this 19th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Philip A. Brimmer for", written over a horizontal line.

PHILIP A. BRIMMER
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

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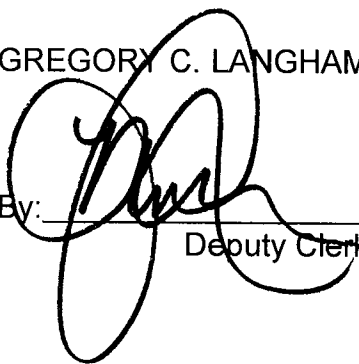
CERTIFICATE OF MAILING

Civil Action No. 09-cv-02431-BNB

Vernon Dale Jago
Prisoner No. 112474
Fremont Corr. Facility
P.O. Box 999
Cañon City, CO 81215-0999

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/19/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk