

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED

UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 09-cv-02522-BNB

DEC 15 2009

JACK RAYMOND RIES,
Applicant,

GREGORY C. LANGHAM
CLERK

v.

STEVE HARTLEY, or current warden of Fremont Correctional Facility, and
JOHN W. SUTHERS, DBA Attorney General for the Nation of Colorado,
Respondents.

ORDER OF DISMISSAL

Applicant initiated this action by filing *pro se* a document titled "Great Writ" in which he apparently seeks habeas corpus relief. In an order filed on October 27, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Applicant to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Applicant to file an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and either to pay the filing fee or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Applicant was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Applicant has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's October 27 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure the deficiencies within the time allowed. 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 15 day of December, 2009.

BY THE COURT:



ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

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CERTIFICATE OF MAILING

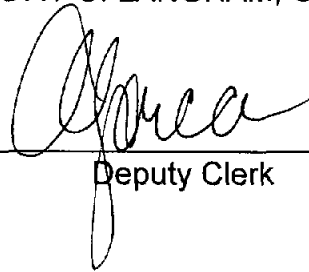
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Jack Raymond Ries
Prisoner No. 100298
Fremont Correctional Facility
P.O. Box 999 – Unit One
Cañon City, CO 81215-0999

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 12/15/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk