

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02604-BNB

JOSHUA D. MOORE,

Applicant,

v.

ANGEL MEDINA, Warden, L.C.F.,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
DEC 16 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant, Joshua D. Moore, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Limon Correctional Facility. On October 30, 2009, Mr. Moore submitted to the Court an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

On November 5, 2009, Magistrate Judge Boyd N. Boland entered an order directing the Clerk of the Court to commence a civil action and instructing Mr. Moore either to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action or to pay the filing fee. Mr. Moore was warned that the action would be dismissed without further notice if he failed to cure the deficiency within thirty days.

Mr. Moore now has failed to communicate with the Court, and as a result he has failed to cure the deficiency within the time allowed. The Court notes that, on October 30, 2009, Mr. Moore filed a letter with the Court in which he stated that he had enclosed

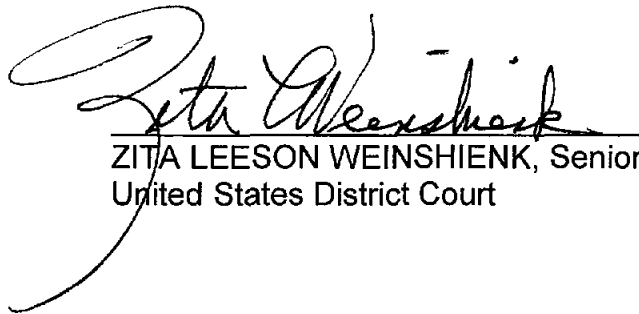
a money order/check for \$5.00. Nonetheless, upon investigation by the financial division of the Clerk of the Court, no payment was received from Mr. Moore.

Accordingly, it is

ORDERED that the Application is denied and the action is dismissed without prejudice for failure to cure the deficiency within the time allowed. It is

DATED at Denver, Colorado, this 16 day of December, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Zita Weinsienk", written over a horizontal line. The signature is cursive and somewhat stylized.

ZITA LEESON 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-02604-BNB

Joshua D. Moore
Prisoner No. 91246
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 12/16/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk