

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02790-BNB

DAVID MARTIN,

Petitioner,

v.

CONSTANCE REESE,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 21 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL


Petitioner David Martin initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus. In an order filed on December 1, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Martin to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Martin to file on the proper form an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Martin was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Martin has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's December 1 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the Application for a Writ of Habeas Corpus is denied and the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 20 day of January, 2010.

BY THE COURT:


CHRISTINE M. ARGUELLO
United States District Judge, for
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-02790-BNB

David Martin
Reg No. 25310-044
Federal Corr. Institution
P.O. Box 1000
Talladega, Alabama 35160

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 1/21/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk