

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00235-BNB

LEON CLARKE,

Petitioner,

v.

WARDEN DANIELS,

Respondent.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**MAR 25 2010**

**GREGORY C. LANGHAM**  
CLERK

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ORDER OF DISMISSAL

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Petitioner, Leon Clarke, is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. Mr. Clarke, acting *pro se*, initiated this action by filing two pleadings, including a Petition Under 28 U.S.C. § 2241 and a Writ of Habeas Corpus. In an order entered on February 4, 2010, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and instructed Mr. Clarke to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Clarke to file his claims on a Court-approved form that is used in filing § 2241 actions in this Court. Magistrate Judge Boland also directed Mr. Clarke either to pay the filing fee in full or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 along with a certificate showing the current balance in his prisoner trust fund account.

Magistrate Judge Boland warned Mr. Clarke that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Mr. Clarke has failed to communicate with the Court. As a result, he has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiencies. Accordingly, it is

ORDERED that the Application is denied and the action is dismissed without prejudice for failure to cure the deficiencies.

DATED at Denver, Colorado, this 18th day of March, 2010.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
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. 10-cv-00235-BNB

Leon Clarke  
Reg No. 72777-004  
US Penitentiary Florence  
P.O. Box 7000  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 3/25/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk