

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00281-BNB

ANDRE J. TWITTY,

Plaintiff,

v.

TROY EID, U.S. Attorney (Den., Colo.),

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 18 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Andre J. Twitty, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary – Administrative Maximum, in Florence, Colorado. A review of this Court's docketing records reveals that Mr. Twitty has filed seven 28 U.S.C. §2241 habeas corpus applications in this Court challenging his conviction in the United States District Court for the Northern District of Georgia. In this case, he submitted to the Court *pro se* a "Motion to Proceed in Forma Pauperis Brief in Support," a "Motion for Writ of Mandamus, to Compel the Respondent to Convene a Federal Grand Jury, to Investigate the 'Criminal Violations' of Federal Law by the 'Judges,' 'Staff Attorneys' and 'Clerks' of the Tenth Circuit, U.S. Court of Appeals, and U.S. District Court, Brief in Support," and a Prisoner Complaint. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court determined that the submitted documents were deficient.

Magistrate Judge Boyd N. Boland, in an order filed on February 10, 2010,

directed the clerk of the Court to commence a civil action and directed Mr. Twitty to cure certain enumerated deficiencies if he wished to pursue his claims. He specifically was directed to submit within thirty days a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form and a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. The February 10 order warned Mr. Twitty that, if he failed to cure the designated deficiencies as directed within the time allowed, the action would be dismissed without further notice.

Mr. Twitty has failed within the time allowed to cure the designated deficiencies or otherwise to communicate with the Court in any way. Accordingly, it is

ORDERED that the action is dismissed without prejudice for the failure of Plaintiff, Andre J. Twitty, to cure the designated deficiencies within the time allowed and for his failure to prosecute. It is

FURTHER ORDERED that the pending motions are denied as moot.

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-00218-BNB

Andre J. Twitty
Reg. No. 18558-018
ADX – Florence
PO Box 8500
Florence, CO 81226-8500

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 3/18/10

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk