

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00322-BNB

JESUS RODRIGUEZ,
Applicant, named as Defendant,

v.

[NO RESPONDENT NAMED],
Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 29 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant, Jesus Rodriguez, initiated this action by filing *pro se* a letter to the Court seeking leave to commence a habeas corpus action without prepayment of fees or security therefor. In an order filed on February 16, 2010, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Rodriguez to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Rodriguez to file an application for a writ of habeas corpus 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. Rodriguez was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

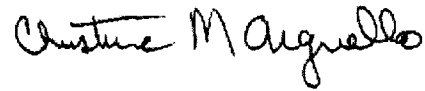
Mr. Rodriguez has failed to cure the deficiencies within the time allowed and has failed to respond in any way to Magistrate Judge Boland's February 16 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Accordingly, it is

ORDERED that the action is dismissed without prejudice for failure to cure the deficiencies. 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 29th day of March, 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. 10-cv-00322-BNB

Jesus Rodriguez
Prisoner No. 81701
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 3/29/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk