

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00563-BNB

DEMIKA ROGERS, # 125285,

Applicant,

v.

[NO NAMED RESPONDENT],

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 16 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant, Demika Rogers, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Denver Women's Correctional Facility in Denver, Colorado. Ms. Rogers, acting *pro se*, initiated this action by filing a pleading titled "Motion to Extend Deadline" and a Letter. In the Letter, Ms. Rogers indicates that she is concerned about the federal habeas corpus deadline and asks that her "motions be accepted without prejudice." In the only motion that she submitted, Ms. Rogers requests that the Court extend the deadline until she exhausts all of her state court remedies.

Without a pending habeas action, Ms. Rogers may not submit a request for an extension of time to file a pleading. Therefore, Magistrate Judge Boyd N. Boland entered an order on March 10, 2010, directing the Clerk of the Court to commence a civil action and instructing Ms. Rogers to cure certain deficiencies if she wished to pursue her claims. Specifically, Magistrate Judge Boland ordered Ms. Rogers to file her claims on a Court-approved form that is used for filing § 2254 actions. Magistrate

Judge Boland also directed Ms. Rogers 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 her prisoner trust fund account.

Magistrate Judge Boland warned Ms. Rogers that the action would be dismissed without further notice if she failed to cure the deficiencies within thirty days. Ms. Rogers has failed to communicate with the Court. As a result, she 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. It is

FURTHER ORDERED that no certificate of appealability will issue because Ms. Rogers has not made a substantial showing that jurists of reason would find it debatable whether the procedural ruling is correct and whether the underlying claim has constitutional merit.

DATED at Denver, Colorado, this 16th day of April, 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-00563-BNB

Demika Rogers
Prisoner No. 125285
Denver Women's Corr. Facility
PO Box 392005
Denver, CO 80239

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 4/10/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk