

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00808-BNB

TYRONE DAVIS,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 21 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant, Tyrone Davis, 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. Mr. Davis initiated this action by filing *pro se* on December 28, 2009, in the United States District Court for the Southern District of Georgia (Southern District of Georgia), a document titled "Writ of Habeas Corpus." Also on December 28, the clerk of the Southern District of Georgia directed Mr. Davis either to submit the \$5.00 filing fee for a habeas corpus action or to complete and submit a motion to proceed *in forma pauperis* within twenty-one days. On April 8, 2010, before Mr. Davis cured the designated deficiency, the Southern District of Georgia transferred the action to this Court.

As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, Magistrate Judge Boyd N. Boland determined that the submitted document titled "Writ of Habeas Corpus" was deficient. Therefore, on April 13, 2010, Magistrate Judge Boland ordered

Mr. Davis to cure certain deficiencies in the case if he wished to pursue his claims. The April 13 order directed Mr. Davis within thirty days either to pay the \$5.00 filing fee or to submit on the proper, Court-approved form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action together with a certificate showing the current balance in his prison account. The April 13 order also directed Mr. Davis to submit within thirty days on the proper, Court-approved form an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 naming his current warden as Respondent. The April 13 order warned Mr. Davis that the action would be dismissed without further notice if he failed to cure the designated deficiencies within the time allowed. On April 21, 2010, Mr. Davis submitted a letter to the Court. However, he has failed within the time allowed to cure the designated deficiencies.

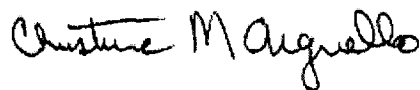
Accordingly, it is

ORDERED that the document titled "Writ of Habeas Corpus" is denied, and the action is dismissed without prejudice for failure to cure and for failure to prosecute. 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 21st day of May, 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-00808-BNB

Tyrone Davis
Reg No. 08066-021
US Penitentiary ADX
P.O. Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 5/21/10

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk