

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01445-BNB

TYRONE H. DAVIS,

Applicant,

v.

BLAKE DAVIS,

Respondent.

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

SEP 07 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Applicant, Tyrone H. 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 filed *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the validity of his criminal sentence in the United States District Court for the Southern District of Georgia (Southern District of Georgia), which transferred the action to this Court. Mr. Davis paid the \$5.00 filing fee.

On July 30, 2010, Magistrate Judge Boyd N. Boland ordered Mr. Davis to show cause within thirty days why the habeas corpus application should not be denied and the action dismissed because he has an adequate and effective remedy pursuant to 28 U.S.C. § 2255 in the Southern District of Georgia. Mr. Davis has failed, within the time allowed, to show cause as directed or otherwise to communicate with the Court in any way. The July 30 order warned Mr. Davis that if he failed to show cause to the Court's

satisfaction within the time allowed, the application would be denied and the action dismissed without further notice.

Accordingly, it is

ORDERED that the habeas corpus application filed by Applicant, Tyrone H. Davis, is denied and the action dismissed because Applicant has an adequate and effective remedy pursuant to 28 U.S.C. § 2255 in the United States District Court for the Southern District of Georgia. It is

FURTHER ORDERED that the habeas corpus application is denied and the action dismissed pursuant to Fed. R. Civ. P. 41(b) of the Federal Rules of Civil Procedure for Applicant's failure to prosecute.

DATED at Denver, Colorado, this 7th day of September, 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-01445-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 9/7/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_

Deputy Clerk