

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02250-BNB

TROY ALLEN SHORT,

Applicant,

v.

TRAVIS TRANNI, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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

FEB 22 2011

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Applicant, Troy Allen Short, initiated this action by filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. On January 10, 2011, Magistrate Judge Boyd N. Boland ordered Mr. Short to show cause within thirty days why the Application should not be denied as a mixed petition for failure to exhaust state court remedies. Mr. Short now has failed to file a Response to Magistrate Judge Boland's Order to Show Cause within the time allowed.

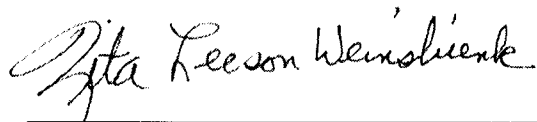
Upon review of the file and Magistrate Judge Boland's January 10 Order, the Court finds that the Application is a mixed petition and is subject to dismissal. The Court, therefore, will deny the Application as a mixed petition and dismiss the action without prejudice. Mr. Short is reminded that even though the instant action currently is timely under 28 U.S.C. § 2244(d) does not mean that any future action filed by Mr. Short will be timely. Accordingly, it is

ORDERED that Application is denied as a mixed petition for failure to exhaust state court remedies and the action is dismissed without prejudice in favor of Respondents and against Applicant. It is

FURTHER ORDERED that no certificate of appealability will issue because Mr. Short 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 17th day of February, 2011.

BY THE COURT:

A handwritten signature in cursive script, reading "Zita Leeson Weinsienk".

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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-02250-BNB

Troy Allen Short  
Prisoner No. 134487  
Four Mile Correctional Center  
PO Box 300  
Canon City, CO 81215

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on February 22, 2011.

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk