

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02623-BNB

DOSSIE L. HOWARD, III,

Applicant,

v.

DENVER COUNTY JAIL, and  
COUNTY COURT, DENVER,

Respondents,

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

DEC 03 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Applicant, Dossie L. Howard, III, an inmate in the Denver County Jail, initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

In an order filed on October 27, 2010, Magistrate Judge Boyd N. Boland directed Mr. Howard to cure certain enumerated deficiencies in this case within thirty days. Specifically, Mr. Howard was ordered to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, along with a certificate showing the current balance in his inmate account, or to pay the \$5.00 filing fee. Applicant was also advised that the only proper Respondent in a habeas corpus action is his current warden, superintendent, jailer or other custodian. The October 27 Order warned Mr. Howard that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice.

Mr. Howard has not filed any documents in this action since the October 27 Order. Therefore, Mr. Howard has failed to cure the designated deficiencies within the time allowed. Accordingly, it is

ORDERED that the action be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Applicant, Dossie L. Howard, III, to comply with the order to cure dated October 27, 2010.

DATED at Denver, Colorado, this 3<sup>rd</sup> day of December,  
2010.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-02623-BNB

Dossie L. Howard III  
Prisoner No. 2010-039139  
Denver County Jail  
P.O. Box 1108  
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 12/3/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk