

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 -7 2010

GREGORY C. LANGHAM
CLERK

AMENDED ORDER OF DISMISSAL

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. It is

FURTHER ORDERED that no certificate of appealability will issue because Mr. Howard has not made a substantial showing of the denial of a constitutional right.

DATED at Denver, Colorado, this 7th 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. 241564
Denver County Jail
P.O. Box 1108
Denver, CO 80201

I hereby certify that I have mailed a copy of the **ORDER AND AMENDED JUDGMENT** to the above-named individuals on 12/7/10

GREGORY C. LANGHAM, CLERK

By: _____


Deputy Clerk