

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 14 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01398-BNB

ALPHONSO BLAKE, JR.,

Applicant,

v.

BLAKE DAVIS,

Respondent.

ORDER OF DISMISSAL

Applicant, Alphonso Blake, Jr., is in the custody of the United States Bureau of Prisons. He is incarcerated currently at the ADMAX in Florence, Colorado. Mr. Blake 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 June 7, 2011, Magistrate Judge Boyd N. Boland directed Mr. Blake cure a deficiency in this case within thirty days. Specifically, Mr. Blake was ordered to submit a § 1915 Motion and Affidavit on the court-approved form, along with a certificate showing the current balance in his prison account. Alternatively, Mr. Blake was advised that he could pay the applicable \$5.00 filing fee. The June 7 Order warned Mr. Blake that if he failed to cure the deficiency within the time allowed, the action would be dismissed without further notice.

The clerk of the court provided Mr. Blake with copies of the court-approved form to use in submitting his § 1915 motion. However, Mr. Blake has not submitted a § 1915 Motion in compliance with the Court's June 7 Order. Mr. Blake has also failed to pay

the \$5.00 filing fee. Therefore, Mr. Blake has failed to cure the designated deficiency within the time allowed. Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Applicant, Alphonso Blake, Jr., to comply with the order to cure dated June 7, 2011.

DATED at Denver, Colorado, this 14th day of July, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01398-BNB

Alphonso Blake Jr
Reg. No. 08083-007
USP Florence ADMax
PO 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 July 14, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk