

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADOFILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 11-cv-01634-BNB

SEP 19 2011

EARL JOSEPH LOOSE, a.k.a. EARL JOSEPH CROWNHART,

GREGORY C. LANGHAM
CLERK

Applicant,

v.

DANIEL C. KOGOUSEK, and
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

ORDER OF DISMISSAL

Applicant Earl Joseph Loose, a.k.a. Earl Joseph Crownhart, currently is placed at the Colorado Mental Health Institute in Pueblo, Colorado. Mr. Crownhart, acting *pro se*, initiated this action by filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. He then filed three additional applications and raised different claims or attached different exhibits in each of the applications. On July 28, 2011, the Court instructed Mr. Crownhart to file one Amended Application that includes all claims that he intends to raise. On August 5, 2011, Mr. Crownhart filed what appeared to be an Amended Application. Magistrate Judge Boyd N. Boland reviewed the August 5 Amended Application and entered an order on August 11, 2011, finding the Application, for the most part, to be illegible and, to the extent that it is readable, to be unintelligible. Magistrate Judge Boland instructed Mr. Crownhart to file a Second and Final Amended Application that complies with Fed. R. Civ. P. 8 and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Mr. Crownhart was instructed

that if he failed to file a Second and Final Amended Application within the time allowed the action would be dismissed without further notice.

Mr. Crownhart now has failed to communicate with the Court, and as a result he has failed to comply with Magistrate Judge Boland's August 11 Order within the time allowed. Upon review of the Application, the Court finds that Magistrate Judge Boland correctly determined that Mr. Crownhart failed to comply with Rules 8 and 4 and amendment of the Applicant was required. Therefore, the Application will be dismissed. Accordingly, it is

ORDERED that the Application is denied and the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to file an Amended Application and for failure to prosecute. It is

FURTHER ORDERED that no certificate of appealability shall issue because Mr. Crownhart 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 19th day of September, 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-01634-BNB

Earl Joseph Crownheart a/k/a
Earl Joseph Loose
Prisoner No. 113771
Colorado Mental Health Institute at Pueblo
1600 W. 24th St.
Pueblo, CO 81003

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on September 19, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk