

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 13 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02014-BNB

STEVEN L. HARVEY, In Propria Persona Sui Juris,
Imam Abdullah/Al Rasheed-Imam Muhammad M. Abdullah- E/Imam E/Al
Rasheed-Dhul Habeed Al Rasheed - El Haqqa-al-Ahزاب-a/vicegerence-Sheik of
The Mooroonia American Nation al-Ahزاب Al-Saffat,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,
JEFFERSON COUNTY DETENTION FACILITY, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER OF DISMISSAL

Applicant, Steven L. Harvey, is a prisoner who currently is incarcerated at the Jefferson County Detention Center in Golden, Colorado. He initiated this action by filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 on August 3, 2011.

In an order filed on August 10, 2011, Magistrate Judge Boyd N. Boland granted Mr. Harvey leave to proceed *in forma pauperis*. On September 2, 2011, Magistrate Judge Boland reviewed the Application and determined that it was deficient because it failed to comply with Rule 8 of the Federal Rules of Civil Procedure. Therefore, Mr. Harvey was directed to file an Amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 within thirty days. Mr. Harvey was warned that his failure

to file an Amended Application within the time provided would result in the dismissal of the action without further notice. The September 2 Order for an Amended Application was returned to the Court as undeliverable on September 13, 2011.

Mr. Harvey has not communicated with the Court since August 3, 2011. He has also failed to notify the Court of his change of address in a timely manner as required by the Local Rules of Practice of this Court. **See** D.C.COLO.LCivR 10.1M. (notice of new address to be filed within five days after any change of address). He has now failed to file an Amended Application within the time provided. Therefore, this action will be dismissed for failure to file an amended pleading. 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, Steven L. Harvey, to file an amended pleading. It is

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

DATED at Denver, Colorado, this 13th day of October, 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-02014-BNB

Steven L Harvey
Prisoner No. 1059061
Jefferson County Detention Center
PO Box 16700
Golden, CO 80402

I hereby certify that I have mailed a copy of the **ORDER and JUDGMENT** to the above-named individuals on October 13, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk