

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00204-BNB

DR. ROY J. MAIN,

Applicant,

v.

WARDEN PAMELA PLUGHE,
CASE MANAGER HANEY, and
ATTORNEY GENERAL'S OFFICE,

Respondents.

ORDER OF DISMISSAL

Applicant initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. On February 21, 2012, Magistrate Judge Boyd N. Boland entered an order directing Applicant to file an amended application that raises only habeas corpus claims and that provides a clear statement of the habeas corpus claims being asserted. Applicant was warned that the action would be dismissed without further notice if he failed to file an amended application within thirty days.

Applicant has failed to file an amended application within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's February 21 order. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis*

status will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal he also must pay the full \$455 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the habeas corpus application is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Applicant failed to comply with a court order. 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. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 2nd day of April, 2012.

BY THE COURT:

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