

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02659-LTB

JAMES M. ROBINSON,

Applicant,

v.

VALERIE ESTRADA,

Respondent.

ORDER DENYING REINSTATEMENT OF CASE
AND DISMISSING THE ACTION

At issue in this case is the “Motion to Reinstate Habeas Corpus Proceeding” that Applicant filed on July 23, 2015. Previously, on September 16, 2013, the Court stayed and administratively closed the action. The Court instructed Applicant that, if he desired to continue with this case after disposition of the criminal charges against him in state court, he must request to lift the stay within thirty days of the completion of the state court appellate process.

In the Motion to Reinstate, Applicant attaches the Colorado Supreme Court's (CSC's) order denying Applicant's petition for certiorari review in his collateral appeal of the criminal proceeding at issue in this case. The CSC's denial is dated July 28, 2014. Applicant now has failed to comply with the Court's order that he request the stay be lifted within thirty days of the disposition of the charges at issue in this case. The Court, therefore, will deny Applicant's request to reinstate the case.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not 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 must also pay the full \$505 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 Applicant's Motion to Reinstate Habeas Corpus Proceeding, ECF No. 25, is denied. It is

FURTHER ORDERED that the Application is denied and the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the Court's September 16, 2013 Order. It is

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

DATED August 28, 2015, at Denver, Colorado.

BY THE COURT:

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