

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01136-BNB

TIMOTHY DOYLE YOUNG,

Applicant,

v.

WARDEN BERKEBILE,

Respondent.

ORDER OF DISMISSAL

Applicant, Timothy Doyle Young, is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX in Florence, Colorado. Applicant, acting *pro se*, initiated this action by submitting a pleading title, "Habeas Corpus." In an order entered on April 30, 2013, Magistrate Judge Boyd N. Boland instructed Applicant to file his claims on a Court-approved form used in filing 28 U.S.C. § 2241 actions. Magistrate Judge Boland also instructed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form and a certified statement of the current balance in his prison account.

Magistrate Judge Boland warned Applicant that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On June 5, 2013, rather than comply with the April 30 Order Applicant filed an identical pleading to the one he filed initiating the action. Applicant, therefore, now has failed to comply with

the April 30 Order within the time allowed, and the action will be dismissed.

The Court also 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 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 Application is denied and the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure all deficiencies and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 10th day of June, 2013.

BY THE COURT:

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