

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01626-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 titled, "Habeas Corpus." In an order entered on July 2, 2013, Magistrate Judge Boyd N. Boland directed Applicant, as he has done on numerous prior occasions, to file his claims on a Court-approved form used in filing a habeas action and to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and a certified account statement showing the current balance in his inmate account. Magistrate Judge Boland also directed Applicant that if he is unable to obtain the necessary forms and a certified account statement he must provide evidence that he submitted a request for each item and prison staff responded telling him they would not provide the items.

Magistrate Judge Boland warned Applicant that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Applicant now has failed to comply with the July 2 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 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 7th day of August, 2013.

BY THE COURT:

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