

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01953-BNB

JEREMY PINSON,

Applicant,

v.

DAVID BERKEBILE

Respondent.

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ORDER OF DISMISSAL

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Applicant, Jeremy Pinson, is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. On July 22, 2013, Mr. Pinson, acting *pro se*, filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. Upon review of the Application, Magistrate Judge Craig B. Shaffer entered an order, on July 30, 2013, directing Applicant to file an Amended Application. Applicant specifically was instructed that Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires he go beyond notice pleading, *see Blackledge v. Allison*, 431 U.S. 63, 75 n.7 (1977), and that naked allegations of constitutional violations devoid of factual support are not cognizable in a federal habeas action, *see Ruark v. Gunter*, 958 F.2d 318, 319 (10th Cir. 1992) (per curiam). Applicant further was instructed that he must identify the incident report number for each disciplinary action that he is challenging and state how his rights were violated in each associated disciplinary proceeding.

Upon review of the Application, the Court finds that Magistrate Judge Shaffer correctly determined that Applicant should amend the Application. Applicant now has failed to communicate with the Court, and as a result he has failed to comply with Magistrate Judge Shaffer's July 30, 2013 Order within the time allowed. Therefore, 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 file an Amended Application 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 17<sup>th</sup> day of September, 2013.

BY THE COURT:

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