

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02833-BNB

MIGUEL ANGEL PUENTES-ROSABAL,

Applicant,

v.

ERICK [sic] HOLDER, JR., United States Attorney General,  
JANET NAPOLITANO, Secretary of the United States Department of  
Homeland Security (D.H.S.),  
JOHN MORTON, United States D.H.S. Director of ICE,  
JOHN LONGSHORE, Field Office Director U.S. ICE in Colorado,  
MR. CHOATE, Warden of GEO CDF ICE Detention Center,  
JOHN SUTHERS, U.S. Attorney General for Colorado,  
CORINA E. ALMEIDA, Chief Counsel for D.H.S.-ICE,

Respondents.

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ORDER OF DISMISSAL

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Applicant, Miguel Angel Puentes-Rosabal, is confined at the detention center in Aurora, Colorado. He submitted to the Court *pro se* a Petition for Writ of Habeas Corpus (ECF No. 1). On October 17, 2013, as part of the Court's review pursuant to D.C.COLO.LCivR 8.2, Magistrate Judge Boyd N. Boland noted certain deficiencies in the submitted petition and ordered Applicant to cure the deficiencies within thirty days if he wished to pursue his claims. See ECF No. 3.

The October 17 order pointed out that Applicant failed to submit either the \$5.00 filing fee or a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the proper, Court-approved form. The October 17 order also pointed out that

Applicant failed to submit an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 on the proper, Court-approved form.

The October 17 order directed Applicant to obtain, with the assistance of his case manager or the facility's legal assistant, the Court-approved forms for filing a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. The October 17 order warned Applicant that the action would be dismissed without prejudice and without further notice if he failed to cure the designated deficiencies within thirty days.

On October 25, 2013, Applicant filed an amended habeas corpus application on the Court-approved § 2241 form (ECF No. 4). However, he failed to submit either the \$5.00 filing fee or a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 within the time allowed. Therefore, the action will be dismissed without prejudice for Applicant's failure to cure all the designated deficiencies as directed within the time allowed.

Finally, the Court certifies pursuant to § 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 \$505.00 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 amended Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 4) is denied and the action dismissed without prejudice

pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Applicant, Miguel Angel Puentes-Rosabal, within the time allowed to cure all the deficiencies designated in the order to cure of October 17, 2013. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 3<sup>rd</sup> day of December, 2013.

BY THE COURT:

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