

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03018-BNB

JACOB DANIEL PETER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER OF DISMISSAL

Petitioner, Jacob Daniel Peter, is an inmate at the Boulder County Jail in Boulder, Colorado. Mr. Peter initiated this action by filing *pro se* a "Notice of Appeal" (ECF No. 1) and a letter to the Court (ECF No. 3) in which he appears to claim that his rights are being violated in connection with a state court criminal case. The instant habeas corpus action was commenced and, on November 5, 2013, Magistrate Judge Boyd N. Boland entered an order directing Mr. Peter to cure certain deficiencies if he wished to pursue any claims in this action. Specifically, Magistrate Judge Boland directed Mr. Peter to file on the court-approved form an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and either to pay the \$5.00 filing fee for a habeas corpus action or to file on the court-approved form a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Peter was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On November 13, 2013, the copy of Magistrate Judge Boland's November 5 order that was mailed to Petitioner was returned to the Court undelivered, possibly because the mail was addressed to Jacob Daniel. On December 6, 2013, Petitioner filed a document titled "Certificate of Non Citizen Naturalism" (ECF No. 11) in which it appeared for the first time that his true name is Jacob Daniel Peter. Also on December 6, Magistrate Judge Boland entered a minute order directing the clerk of the Court to correct the Court's docketing records to reflect that Petitioner's name is Jacob Daniel Peter and to mail to Mr. Peter another copy of the November 5 order directing him to cure the deficiencies in this action.

Mr. Peter has filed various documents in this action, but none of the documents Mr. Peter has filed relate to or cure any of the deficiencies identified in Magistrate Judge Boland's November 5 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies. Furthermore, the Court certifies pursuant to 28 U.S.C. § 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 Petitioner files a notice of appeal he also must 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 the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Peter failed to cure the deficiencies as directed. 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 the pending motions are denied as moot.

DATED at Denver, Colorado, this 16th day of January, 2014.

BY THE COURT:

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