

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00471-BNB

DERRICK J. BANKS,

Applicant,

v.

J. OLIVER, Warden,

Respondent.

ORDER OF DISMISSAL

Applicant, Derrick J. Banks, is in the custody of the Federal Bureau of Prisons at the United States Penitentiary in Florence, Colorado. Applicant, acting *pro se*, initiated this action by filing a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 and paying the \$5 filing fee. In an order entered on February 25, 2014, Magistrate Judge Boyd N. Boland instructed Applicant to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland instructed Applicant to submit his claims on a Court-approved form used in filing § 2241 actions in this Court.

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 March 11, 2014, Applicant submitted a proper § 2241 Court-approved form, but he did not sign and date the Application. Magistrate Judge Boland entered a minute order on March 12, 2014, directing Applicant to submit a signed and dated § 2241 Application form and

warning him if he failed to comply within the time allowed the action would be dismissed without further notice. Applicant now has failed to comply with the March 12 Minute Order within the time allowed. The action, therefore, 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 \$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 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 18th day of April, 2014.

BY THE COURT:

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