

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00472-BNB

ROBERT L. SANDOVAL,

Applicant,

v.

COLORADO STATE BOARD OF PAROLE,

Respondent.

ORDER OF DISMISSAL

Applicant, Robert L. Sandoval, is detained at the Denver Reception and Diagnostic Center in Denver, Colorado. He initiated this action on February 24, 2014, by filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Habeas Corpus Action.

On February 25, 2014, Magistrate Judge Boyd N. Boland reviewed Applicant's filings and determined that the § 1915 motion and affidavit was deficient. Magistrate Judge Boland directed Plaintiff to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action on the court-approved form. Alternatively, Mr. Sandoval was directed to pay the \$5.00 filing fee. Magistrate Judge Boland warned Applicant in the February 25 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Plaintiff has failed to comply with the February 25 Order. Further, he has not

communicated with the Court since he initiated this action on February 24, 2014.

Accordingly, it is

ORDERED that this action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Applicant, Robert L. Sandoval, to comply with the February 25, 2014 Order Directing Applicant to Cure Deficiencies. It is

FURTHER ORDERED that no certificate of appealability will issue because jurists of reason would not debate the correctness of this procedural ruling and Mr. Sandoval has not made a substantial showing of the denial of a constitutional right. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied for the purpose of appeal. 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. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal he must also 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. It is

FURTHER ORDERED that all pending motions are DENIED as moot.

DATED at Denver, Colorado, this 3rd day of April, 2014.

BY THE COURT:

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