

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00813-BNB

DARREN CONTRERAS,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

ORDER OF DISMISSAL

Applicant, Darren Contreras, is in the custody of the Colorado Department of Corrections at the Arkansas Valley Correctional Facility in Ordway, Colorado. On March 19, 2014, the Court received a pleading submitted by Applicant's counsel in a different case. The pleading is titled "Motion for Writ of Habeas Corpus." After review, Magistrate Judge Boyd N. Boland determined that it is not clear whether Applicant is challenging a State of Colorado conviction or a conviction entered by an Indian tribe. Applicant was directed that if he intended to challenge a State of Colorado conviction he must file his claims on a Court-approved form used in filing 28 U.S.C. § 2254 actions. Otherwise, if he intended to challenge a conviction entered by an Indian tribe he must provide specific information to the Court, including the case number, the jurisdiction where the conviction was entered, the date he was convicted, whether he is in tribal custody, and the reasons he is challenging the conviction. Applicant also was directed either to pay the \$5 filing fee or in the alternative to submit a request to proceed

pursuant to 28 U.S.C. § 1915 on a proper Court-approved form.

Magistrate Judge Boland warned Applicant that the action would be dismissed without further notice if he failed to comply within thirty days. Applicant has failed to comply 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 \$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 25th day of April, 2014.

BY THE COURT:

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