

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00816-BNB

JOSE RODRIGUEZ,

Applicant,

v.

DISTRICT ATTORNEY'S OFFICE,

Respondent.

ORDER OF DISMISSAL

Applicant, Jose Rodriguez, is in the custody of the Colorado Department of Corrections at the Limon Correctional Facility in Limon, Colorado. On March 19, 2014, Applicant initiated this action by filing a *pro se* "Request for Final Disposition of Charges." Magistrate Judge Boyd N. Boland reviewed the Motion and directed Applicant to file his claims on a Court-approved form used in filing 28 U.S.C. § 2241 actions and either to pay the \$5 filing fee or 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