

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01020-BNB

MARVIN S. DUDLEY, JR.,

Applicant,

v.

MIKE MILLER, Warden, Crowley County Correctional Facility,

Respondent.

ORDER OF DISMISSAL

Applicant, Marvin S. Dudley, Jr., is in the custody of the Colorado Department of Corrections at the Crowley Correctional Facility in Olney Springs, Colorado. On April 9, 2014, Applicant initiated this action by filing *pro se* a pleading titled “Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint Pursuant to 28 U.S.C. § 1983.” Magistrate Judge Boyd N. Boland reviewed the pleading and directed Applicant to file his claims on a Court-approved form used in filing 28 U.S.C. § 2241 actions, to submit a certified trust fund account statement, and to file any claims raised pursuant 42 U.S.C. § in a separate action.

Magistrate Judge Boland warned Applicant that the action would be dismissed without further notice if he failed to comply within thirty days. Applicant now 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 23rd day of May, 2014.

BY THE COURT:

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