

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01160-BNB

ADAM BONILLA,

Applicant,

v.

[NO RESPONDENT NAMED],

Respondent.

ORDER OF DISMISSAL

Applicant, Adam Bonilla, is an inmate at the Arapahoe County Detention Facility in Centennial, Colorado. Mr. Bonilla initiated this action by filing *pro se* a letter to the Court (ECF No. 1) alleging he is being held against his will and possibly seeking judicial review. The instant habeas corpus action was commenced and, on April 24, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Bonilla to cure certain deficiencies if he wished to pursue any habeas corpus claims. Specifically, Magistrate Judge Boland ordered Mr. Bonilla to file an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and either to pay the \$5.00 filing fee or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Bonilla was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On April 30, 2014, Mr. Bonilla filed a document (ECF No. 4) describing how his rights allegedly have been violated. However, Mr. Bonilla has failed to cure the

deficiencies within the time allowed because he has failed to file an application for a writ of habeas corpus and he has failed either to pay the filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies within the time allowed.

Furthermore, 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 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 also 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 action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Applicant failed to cure the deficiencies as directed. It is

FURTHER ORDERED that no certificate of appealability will issue because Applicant 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 without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 30th day of May, 2014.

BY THE COURT:

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