

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01506-BNB

KENNETH E. BENSON,

Petitioner,

v.

[NO NAMED RESPONDENT],

Respondent.

ORDER OF DISMISSAL

Petitioner, Kenneth E. Benson, is in the custody of the Colorado Department of Corrections at the Crowley County Correctional Facility in Olney Springs, Colorado. On May 30, 2014, Mr. Benson initiated this action by filing a Letter with the Court complaining about a warrant lodged against him by Illinois authorities, which he states is preventing him from receiving a halfway house placement.

On June 2, 2014, Magistrate Judge Boyd N. Boland reviewed Petitioner's filing and determined that it was deficient. Magistrate Judge Boland directed Petitioner to submit 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 Pursuant to 28 U.S.C.

§ 1915 in a Habeas Corpus Action on the court-approved forms within thirty (30) days.

Magistrate Judge Boland further instructed Petitioner that he could pay the \$5.00 filing fee in lieu of filing a § 1915 motion and affidavit. Magistrate Judge Boland warned Petitioner in the June 2 Order that failure to cure the deficiencies noted would result in dismissal of this action without further notice.

Mr. Benson has failed to comply with the June 2 Order. Further, he has not communicated with the Court since he initiated this action on May 30, 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 Petitioner, Kenneth E. Benson, to comply with the June 2, 2014 Order Directing Petitioner to Cure Deficiencies. 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 Mr. Benson 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.

DATED at Denver, Colorado, this 9th day of July, 2014.

BY THE COURT:

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