

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01617-BNB

MICHAEL D. REA, II,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO, d/b/a TREASURY DEPT.,
DEPARTMENT OF STATE, and
DEPT. OF CORRECTIONS (Exec. Dir. Rick Raemisch),

Respondents.

ORDER OF DISMISSAL

Applicant, Michael D. Rea, II, is a prisoner in the custody of the Colorado Department of Corrections. Mr. Rea initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1). On July 18, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Rea to file an amended application for a writ of habeas corpus that names a proper Respondent and that clarifies the federal constitutional habeas corpus claims he is asserting. Mr. Rea was warned that the action would be dismissed without further notice if he failed to file an amended application within thirty days.

Mr. Rea has failed to file an amended application within the time allowed and has failed to respond in any way to Magistrate Judge Boland's July 18 order. Therefore, the action will be dismissed without prejudice for failure to comply with a court order.

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 habeas corpus application (ECF No. 1) is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Rea failed to comply with a court order. 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 25th day of August, 2014.

BY THE COURT:

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