

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01638-BNB

KEITH BLOUNT,

Applicant,

v.

J. OLIVER, Warden,

Respondent.

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ORDER OF DISMISSAL

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Applicant, Keith Blount, is in the custody of the Federal Bureau of Prisons and at the United States Penitentiary in Florence, Colorado. Applicant initiated this action by filing *pro se* a Petition for a Writ of Habeas Corpus. In an order entered on June 12, 2014, Magistrate Judge Boyd N. Boland instructed Applicant to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland instructed Applicant to submit his claims on a Court-approved form used in filing § 2241 actions in this Court and either pay the \$5 filing fee or in the alternative submit a request to proceed pursuant to 28 U.S.C. § 1915.

Magistrate Judge Boland warned Applicant that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On July 2, 2014, Applicant paid the fee but failed to submit his claims on a proper Court-approved form. Magistrate Judge Boland entered a Minute Order on July 2, 2014, and again

directed Applicant to submit his claims on a proper Court-approved form. On July 15, 2014, Applicant again filed his claims on an improper form. Applicant does not claim in any pleading that he is unable to obtain a proper Court-approved form from his case manager of the facility's legal assistant. The action, therefore, will be dismissed for failure to comply with a court order within the time allowed.

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 12<sup>th</sup> day of August, 2014.

BY THE COURT:

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