

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01738-BNB

JUSTIN RAY BOYKIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER OF DISMISSAL

Petitioner, Justin Ray Boykin, is a prisoner in the custody of the Federal Bureau of Prisons at a federal prison in Illinois. Mr. Boykin initiated this action by filing *pro se* a "Petition Pursuant to 18 U.S.C. § 2241(d)(1)" (ECF No. 1) challenging the computation of his federal sentence. On June 23, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Boykin to cure certain deficiencies if he wished to pursue any claims in this action. Specifically, Magistrate Judge Boland directed Mr. Boykin to file an application for a writ of habeas corpus on the proper form and either to pay the \$5.00 filing fee or to file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Boykin was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Boykin has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's June 23 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

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 Petitioner 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 “Petition Pursuant to 18 U.S.C. § 2241(d)(1)” (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. Boykin failed to cure the deficiencies as directed. 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 July, 2014.

BY THE COURT:

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