

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02032-BNB

WILLIAM A. MAUNZ,

Applicant,

v.

WASHINGTON COUNTY JUSTICE CENTER,  
LARRY KOONTZ, Sheriff, and  
JOHN SUTHERS, Attorney General of the State of Colorado,

Respondents.

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ORDER OF DISMISSAL

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On September 19, 2014, Magistrate Judge Boyd N. Boland entered an order directing Applicant, William A. Maunz, to file a fourth amended pleading that names a proper Respondent and clarifies the claims he is asserting in this habeas corpus action. Mr. Maunz was warned that the action would be dismissed without further notice if he failed to file a fourth amended pleading within thirty days.

On September 26, 2014, the copy of Magistrate Judge Boland's September 19 order that was mailed to Mr. Maunz at the address he provided in a notice of change of address (ECF No. 12) filed on September 16, 2014, was returned to the Court undelivered. The returned envelope (ECF No. 15) bears stamps that read "Return To Sender" and "No Longer Here."

Pursuant to Rule 11.1(d) of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, an unrepresented party must file a notice

of new address within five days of any change of address. Mr. Maunz has failed to comply with the Court's local rules and, as a result, he has failed within the time allowed to comply with Magistrate Judge Boland's order to file a fourth amended pleading. Therefore, the action will be dismissed.

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 applications are denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Maunz failed to prosecute and file a fourth amended pleading 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 27<sup>th</sup> day of October, 2014.

BY THE COURT:

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