

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02247-BNB

TIMOTHY L. THOMPSON,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

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ORDER OF DISMISSAL

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Applicant, Timothy L. Thompson, is an inmate at the Denver County Jail in Denver, Colorado. Mr. Thompson initiated this action by filing *pro se* an “Application for Writ of Habeas Corpus Ad Prosequendum” (ECF No. 1). The instant action was commenced and, on August 13, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Thompson to cure certain deficiencies if he wished to pursue any claims. Specifically, Magistrate Judge Boland ordered Mr. Thompson to file an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and either to pay the \$5.00 filing fee for a habeas corpus action or to file a properly supported Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Mr. Thompson was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Thompson has failed to cure the deficiencies within the time allowed and has failed to respond in any way to Magistrate Judge Boland’s August 13 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 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 “Application for Writ of Habeas Corpus Ad Prosequendum” (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. Thompson failed to cure the deficiencies 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 17<sup>th</sup> day of September, 2014.

BY THE COURT:

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