

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02324-BNB

MORTIS DEMON CORBITT,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

ORDER OF DISMISSAL

On August 20, 2014, Applicant, Mortis Demon Corbitt, initiated this action by filing *pro se* a pleading titled "Writ of Habeas Corpus." At the time Plaintiff filed this action he was detained at the Weld County Jail in Greeley, Colorado. On August 21, 2014, Magistrate Judge Boyd N. Boland ordered Applicant to submit his claims and a request to proceed *in forma pauperis* on Court-approved forms. Applicant was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

On September 2, 2014, the envelope in which the Order to Cure Deficiencies was sent to Applicant was returned to the Court marked "Return to Sender Attempted Not Know Unable to Forward" and "Return to Sender No Longer in Custody." Rule 11.1(d) of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil Rules states that a party must file a notice of a new address within five days of any change of address. Plaintiff has failed to do so. Because Applicant has failed to cure the deficiencies within the time allowed and otherwise to communicate

with the Court, the action will be dismissed.

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 is 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 also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that no certificate of appealability shall issue because Applicant has failed to show that jurists of reason would find it debatable that the district court was correct in its procedural ruling. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

DATED at Denver, Colorado, this 30th day of September, 2014.

BY THE COURT:

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