

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02433-BNB

DEONE TYRONE PATTERSON,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER OF DISMISSAL

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Applicant, Deone Tyrone Patterson, is an inmate at the Mesa County Detention Facility in Grand Junction, Colorado. Mr. Patterson initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) and a “Motion to Proceed for Leave to Proceed In Forma Pauperis” (ECF No. 3). The instant action was commenced, and on September 2, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Patterson to cure certain deficiencies if he wished to pursue any claims. Magistrate Judge Boland specifically advised Mr. Patterson that the *in forma pauperis* motion was not on the proper form, the application was missing certain pages, and the only proper Respondent is Applicant’s custodian. Mr. Patterson was warned that the action would be dismissed without further notice if he failed to cure these deficiencies within thirty days.

Mr. Patterson has failed to cure the deficiencies within the time allowed and has failed to respond in any way to Magistrate Judge Boland’s September 2 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 a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (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. Patterson 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. It is

FURTHER ORDERED that the Motion to Proceed for Leave to Proceed In Forma Pauperis (ECF No. 3) is denied as moot.

DATED at Denver, Colorado, this 8<sup>th</sup> day of October, 2014.

BY THE COURT:

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