

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02654-GPG

JERMAINE LOVE,

Applicant,

v.

DEPT. OF CORRECTION,  
RICK RAEMISCH,  
WALT CHESTERFIELD,  
BRANDON SHAFFER, and  
BENT. CO. WARDEN,

Respondents.

---

ORDER OF DISMISSAL

---

Applicant, Jermaine Love, 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). On October 24, 2014, Magistrate Judge Boyd N. Boland entered an order directing Mr. Love to file an amended application that names a proper Respondent and that clarifies the claims he is asserting. Mr. Love was warned that the action would be dismissed without further notice if he failed to file an amended application within thirty days.

On October 31, 2014, the copy of Magistrate Judge Boland's October 24 order that was mailed to Mr. Love at the Denver County Jail address he provided was returned to the Court undelivered. The returned envelope (ECF No. 6) bears a stamp or sticker that reads "RETURN TO SENDER, NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD" and another stamp that reads "No Longer at this Location." A

notice mailed to Mr. Love on November 14, 2014, also was returned to the Court undelivered and the returned envelope containing the notice indicates Mr. Love was released. (See ECF No. 8.)

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. Love has failed to comply with the Court's local rules and, as a result, he has failed within the time allowed to file an amended application as directed. 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 application (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. Love failed to prosecute and file an amended application 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 1<sup>st</sup> day of December, 2014.

BY THE COURT:

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