

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02806-GPG

MAURICE LAJUAN THOMPSON,

Applicant,

v.

RICHARD GURLEY,

Respondent.

ORDER OF DISMISSAL

Applicant, Maurice LaJuan Thompson, is a prisoner currently incarcerated at the Mesa County Detention Facility in Grand Junction, Colorado. On October 14, 2014, Applicant filed *pro se* a document titled "Motion to 28 U.S.C. § 2241" (ECF No. 1). After review of the document, Magistrate Judge Boyd N. Boland entered an order on October 15, 2014, directing Applicant to cure certain deficiencies. Magistrate Judge Boland found that Applicant failed to file an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 on the proper form and failed to file a motion for leave to proceed pursuant to 28 U.S.C. § 1915 or in the alternative to pay the \$5.00 filing fee.

On October 27, 2014, Applicant filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On October 29, 2014, Magistrate Judge Boland entered a minute order finding that Applicant submitted his § 2241 Application on the proper form, but used the incorrect § 1915 form and failed to submit a current copy of

his inmate account statement. In the October 29 order, Magistrate Judge Boland ordered Applicant to provide to the Court a completed Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and a certified copy of his current inmate account statement.

On November 10, 2104, Applicant submitted a certified copy of his inmate account statement but has failed to submit a completed Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action that complies with the October 29 order. As a result, Applicant has failed to comply in part with Magistrate Judge Boland's directives within the time allowed. Therefore, the action will be dismissed without prejudice.

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

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

DATED at Denver, Colorado, this 4th day of December, 2014.

BY THE COURT:

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