

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03012-GPG

ARVELL HORTON, JR.,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER DISMISSING CIVIL CASE

Applicant, Arvell Horton, Jr., is a prisoner in the custody of the Colorado Department of Corrections. On November 6, 2014, Mr. Horton submitted to the Court *pro se* a "Motion to Dismiss and Relief From Final Judgment" (ECF No. 1). Although Mr. Horton provided a criminal case number, 91-cr-276, the Court's docketing records do not list Mr. Horton as a defendant in that criminal case. Therefore, the instant civil action was commenced and Mr. Horton was directed to cure certain deficiencies in order to pursue his claims. On December 11, 2014, Mr. Horton filed a document titled "Motion in Reply to the Court's Order to Cure Deficiencies" (ECF No. 5) stating that the original motion to dismiss was misconstrued. Upon further review, it now is evident that Mr. Horton is a defendant in criminal case number 91-cr-276. Therefore, the instant civil action will be dismissed without prejudice and the clerk of the Court will be directed to file a copy of the "Motion to Dismiss and Relief From Final Judgment" (ECF No. 1) in criminal case number 91-cr-276. Accordingly, it is

ORDERED that the instant action is dismissed without prejudice. It is

FURTHER ORDERED that the clerk of the Court file a copy of the "Motion to Dismiss and Relief From Final Judgment" (ECF No. 1) in criminal case number 91-cr-276.

DATED at Denver, Colorado, this 15th day of December, 2014.

BY THE COURT:

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