

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-03179-GPG

ZACARIAS MOUSSAOUI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER OF DISMISSAL

Petitioner, Zacarias Moussaoui, is a prisoner at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. Mr. Moussaoui initiated this action by filing pro se in the United States District Court for the Eastern District of New York a petition seeking placement in protective custody. The United States District Court for the Eastern District of New York construed the petition as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and transferred the action to this court.

As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Mr. Moussaoui's pleadings were deficient. In an order entered on November 24, 2014, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher informed Petitioner to file a request to proceed in forma pauperis pursuant to § 1915 on proper Court-approved forms or pay the requisite filing fee and further ordered him to file his petition on the proper Court-approved form. (ECF No. 3). That

Order specifically provides that the action would be dismissed without further notice if Mr. Moussaoui failed to cure the deficiencies within thirty days.

On January 8, 2015, Petitioner submitted a Motion for an Extension of Time, which was granted by the Court on January 9, 2015. That Order granted Petitioner until February 9, 2015 to comply with the Court's November 24, 2014 Order and specifically provides that the action would be dismissed without further notice if Mr. Moussaoui failed to cure the deficiencies within the time allowed. (ECF No. 7).

On February 12, 2015, Petitioner submitted another request for an extension of time, which was granted by the Court on that same date. That Order granted Petitioner until March 9, 2015 to comply with the Court's November 24, 2014 Order and specifically provides that the action would be dismissed without further notice if Mr. Moussaoui failed to cure the deficiencies within the time allowed. (ECF No. 9).

Petitioner has failed to cure the deficiencies within the time allowed. Therefore, the action will be dismissed without prejudice for failure to cure the noted deficiencies.

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 Petitioner 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 Petition and the action are 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.

DATED at Denver, Colorado, this 18th day of March, 2015.

BY THE COURT:

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