

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00082-GPG

ARTHUR JA GRIFFIN, JR.,

Petitioner,

v.

[NO NAMED RESPONDENTS],

Respondents.

ORDER OF DISMISSAL

Petitioner Arthur Ja Griffin Jr. currently is detained at the Denver Van Cise-Simonet Detention Center in Denver, Colorado. Plaintiff initiated this action by filing *pro se* a Letter that does not state the purpose of the filing. On January 13, 2015, Magistrate Judge Gordon P. Gallagher entered an order and directed Plaintiff to cure certain deficiencies in the pleading. First, because it is not clear whether the action is a challenge to the validity or execution of Petitioner's sentence, Magistrate Judge Gallagher directed Petitioner to clarify the intent of his filing by utilizing the correct Court-approved form for filing either a 28 U.S.C. § 2254 action (challenging validity of a conviction or sentence) or a 28 U.S.C. § 2241 action (challenging the execution of his sentence). Magistrate Judge Gallagher also directed Petitioner to submit a request to proceed pursuant to 28 U.S.C. § 1915.

Magistrate Judge Gallagher warned Petitioner that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. Rather than cure the deficiencies, Petitioner submitted what appears to be a letter, ECF No. 4, and

several different motions, ECF Nos. 5, 6, and 8, that are nonsensical and unresponsive to the January 13, 2015 Order to Cure. Because Petitioner now has failed to cure the deficiencies noted in the January 13 Order, within the time allowed, the Court will dismiss this action.

The Court 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 \$505.00 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 action is 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 19th day of February, 2015.

BY THE COURT:

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