

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00196-GPG

MARIA CRISTINA VELASQUEZ-MENDOZA,

Applicant,

v.

JOHN LONGSHORE, U.S. DHS-ICE,

Respondent.

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ORDER OF DISMISSAL

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Applicant initiated this action by filing an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 challenging the ICE's threat of arrest and deportation based on Applicant's failure to attend an asylum proceeding that was held without her and her counsel being noticed. Magistrate Judge Gordon P. Gallagher reviewed the Application, determined a preliminary response was necessary, and directed Respondent to respond and address both jurisdictional issues and exhaustion of administrative remedies. Respondent filed a Preliminary Response on March 5, 2015. Counsel then made an appearance on behalf of Applicant on March 26, 2015, and requested an extension of time to file a Reply, which was granted. Counsel, however, failed to file a Reply and subsequently withdrew as counsel after the Court entered an Order to Dismiss in Part and to File Amended Application in Part on May 6, 2015.

In the May 6 Order, the Court dismissed Applicant's claims challenging the legality of her reinstated removal order and the conduct of ICE agents when they threatening to detain her and take her child. Applicant, however, was allowed to amend

the Application and challenge only the requirements of her supervised release as a violation of her Fifth Amendment due process and/or equal protection rights.

Applicant now has failed to comply with the May 6, 2015 Order within the time allowed. The Court, therefore, will dismiss the action for failure to comply with a Court order and to prosecute.

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 paupers* status is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal she must also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pampers* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the Application is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to file an Amended Application and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 19<sup>th</sup> day of June, 2015.

BY THE COURT:

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