

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00383-GPG

JESSE LYNCH,

Applicant,

v.

THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondent.

ORDER DISMISSING CASE

Applicant, Jesse Lynch, is a prisoner in the custody of the Colorado Department of Corrections. It has come to the Court's attention that Mr. Lynch, apparently inadvertently, has initiated two separate habeas corpus actions. On February 4, 2015, Mr. Lynch submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and a Motion to Request Legal Counsel in Federal Habeas Corpus Proceedings and civil action number 15-cv-00243-GPG was opened. The same day, Mr. Lynch was directed in that action to file an application for a writ of habeas corpus if he wishes to pursue his claims. On February 25, 2015, Mr. Lynch submitted for filing a letter and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 that did not include a case number and the instant action was opened. The content of the letter makes clear that Mr. Lynch is responding to the order entered in civil action number 15-cv-00243-GPG directing him to file a habeas corpus application.

The instant action will be dismissed without prejudice and Mr. Lynch will be allowed to pursue his habeas corpus claims in civil action number 15-cv-00243-GPG. All future filings regarding the habeas corpus claims should be made in civil action number 15-cv-00243-GPG and must be identified with that case number.

Finally, the clerk of the Court will be directed to file in civil action number 15-cv-00243-GPG a copy of the letter (ECF No. 3) and the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 1) that have been filed in this action. Accordingly, it is

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

FURTHER ORDERED that the clerk of the Court file in civil action number 15-cv-00243-GPG a copy of the letter (ECF No. 3) and the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 1) that have been filed in this action.

DATED at Denver, Colorado, this 2nd day of March, 2015.

BY THE COURT:

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