

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00632-GPG

JERRY D. STOROVICH,

Applicant,

v.

GRANT COUNTY, NEBRASKA, and  
STATE OF NEBRASKA,

Respondents.

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ORDER OF DISMISSAL

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Applicant, Jerry D. Storovich, is a prisoner in the custody of the Colorado Department of Corrections. Mr. Storovich initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) asserting eight claims for relief.

On April 6, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Storovich to file an amended application. Magistrate Judge Gallagher noted that five of the eight claims relate to criminal charges pending against Mr. Storovich in Grant County, Nebraska, and must be raised in the United States District Court for the District of Nebraska. Mr. Storovich also asserted two claims challenging the conditions of his confinement in Colorado and one claim challenging a denial of parole in Colorado. In order to maintain a habeas corpus action with respect to these three claims, Magistrate Judge Gallagher directed Mr. Storovich to name a proper respondent in Colorado and to allege specific facts that demonstrate his constitutional rights have been violated with

respect to the execution of his Colorado prison sentences. Mr. Storovich was warned that the action would be dismissed without further notice if he failed to file an amended application within thirty days.

On April 13, 2015, Mr. Storovich filed a response (ECF No. 6) stating that his goal in this action is to obtain dismissal of the pending Nebraska criminal charges and seeking legal advice on how to accomplish that goal. On April 27, 2015, Mr. Storovich filed a second response (ECF No. 7) seeking legal advice on how to challenge the pending Nebraska criminal charges. The Court cannot provide legal advice to Mr. Storovich. However, the Court notes that his claims seeking dismissal of the pending Nebraska criminal charges must be raised in the United States District Court for the District of Nebraska for the reasons specified by Magistrate Judge Gallagher in his April 6 order.

Mr. Storovich has not filed an amended application within the time allowed that provides a clear statement of any federal constitutional claims challenging the execution of his Colorado sentences. Therefore, the instant action will be dismissed. Furthermore, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. *See Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal he also must pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

ORDERED that the habeas corpus application (ECF No. 1) is denied and the action is dismissed without prejudice for the reasons specified in this order. It is

FURTHER ORDERED that no certificate of appealability will issue because Applicant has not made a substantial showing of the denial of a constitutional right. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied without prejudice to the filing of a motion seeking leave to proceed *in forma pauperis* on appeal in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 12<sup>th</sup> day of May, 2015.

BY THE COURT:

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