

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01613-GPG

BRITTANY NUNN,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO

Respondent.

ORDER OF DISMISSAL

Applicant, Brittany Nunn, initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus. (ECF No. 1). On July 30, 2015, Magistrate Judge Gordon P. Gallagher entered an order directing Ms. Nunn to cure certain deficiencies if she wished to pursue her claims. (ECF No. 3). Specifically, Magistrate Judge Gallagher directed Ms. Nunn to file her habeas application on the proper form as required by the local rules for the District of Colorado. Additionally, Ms. Nunn was directed to file a § 1915 Motion and Affidavit or pay the \$5.00 filing fee. Ms. Nunn was warned that the action would be dismissed without further notice if she failed to cure these deficiencies within thirty days.

Ms. Nunn has failed to cure the deficiencies within the time allowed and she has failed to respond in any way to Magistrate Judge Gallagher's July 30, 2015 order. Therefore, the action will be dismissed without prejudice for failure to prosecute and cure the deficiencies.

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 Plaintiff files a notice of appeal she 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 Application for a Writ of Habeas Corpus (ECF No. 1) and the action are dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Ms. Nunn failed to prosecute and cure the deficiencies as directed. 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 11th day of September, 2015.

BY THE COURT:

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