

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01862-GPG

STEPHAN MOORER,

Applicant,

v.

U.S. PAROLE COMMISSION,

Respondent.

ORDER OF DISMISSAL

Applicant, Stephan Moorer, is a prisoner in the custody of the Federal Bureau of Prisons at a federal prison in Florence, Colorado. Mr. Moorer 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). Mr. Moorer is challenging a decision of the United States Parole Commission denying him release on parole.

On September 16, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Moorer to show cause why this action should not be dismissed as repetitive of another pending habeas corpus action in which he is challenging, in part, the same Parole Commission decision denying him release on parole. *See Moorer v. Fulwood*, No. 14-cv-03362-LTB (D. Colo. filed Dec. 11, 2014). Mr. Moorer was warned that the action would be dismissed without further notice if he failed to show good cause within thirty days.

Mr. Moorer has failed to show good cause why this action should not be dismissed

and he has failed to respond in any way to Magistrate Judge Gallagher's September 16 show cause order. Therefore, the 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 is denied and the action is dismissed without prejudice for the reasons stated in the Order to Show Cause (ECF No. 5) entered in this action on September 16, 2015. 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 23rd day of October, 2015.

BY THE COURT:

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