

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02008-GPG

LAYMON LADALE JORDAN,

Applicant,

v.

CDOC PAROLE DIVISION, By and Through the Executive Director and the Sheriff of
Adams County State of Colorado,

Respondent.

ORDER OF DISMISSAL

Applicant Laymon Ladale Jordan is in the custody of the Colorado Department of Corrections (DOC) and currently is incarcerated at the Trinidad Correctional Facility in Model, Colorado. Applicant initiated this action by filing *pro se* a Motion to Correct an Illegal Sentence and by submitting a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action. Applicant subsequently filed his claims on a proper Court-approved form used in asserting 28 U.S.C. § 2241 claims and then was granted leave to proceed pursuant to § 1915.

After reviewing the Application, Magistrate Judge Gordon P. Gallagher entered an order on October 22, 2015, that directed Applicant to file an amended application. Magistrate Judge Gallagher found that Applicant's claims do not comply with Fed. R. Civ. P. 8, because they are rambling and assert allegations that do not pertain to the specific claim. Applicant was directed to set forth each claim in a simple, concise, and direct manner and to present his claims in a manageable format in the amended application.

Rather than file an amended application as directed, on November 12, 2015, Applicant filed a ten-page Letter that is a statement of various claims but again like the Application does not comply with Rule 8. Magistrate Judge Gallagher, however, allowed Applicant an additional thirty days to comply with the October 22, 2015 Order to Amend. Subsequently on December 9, 2015, Applicant filed a pleading titled, "Federal Rule of Civil Procedure Habeas Corpus Relief (Rule 8)," ECF No. 10. The December 9 filing does not comply with the October 22 Order.

The Magistrate Judge warned Applicant that this action would be dismissed without further notice if he failed to comply within thirty days. Applicant now has failed to comply within the time allowed. Therefore, the action will be dismissed.

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 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 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 is denied and the action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with a Court order and for failure to prosecute. It is

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

DATED at Denver, Colorado, this 22nd day of December, 2015.

BY THE COURT:

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