

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02087-GPG

KYLE LEE HOUSTON,

Applicant,

v.

C.D.O.C. RICK RAEMISCH, and
COLO. PAROLE DIR. BRANDON SHAFFER,

Respondents.

ORDER OF DISMISSAL

Applicant, Kyle Lee Houston, 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). On September 23, 2015, Magistrate Judge Gordon P. Gallagher ordered Mr. Houston to file an amended pleading that clarifies the claims he is asserting because his claims in the application are incomprehensible. Mr. Houston was warned that the action would be dismissed without further notice if he failed to file an amended pleading within thirty days.

On September 25, 2015, Mr. Houston filed a document (ECF No. 4) apparently seeking to amend the application by adding a page he neglected to attach to the original application. The additional page submitted on September 25 also does not provide a clear statement of whatever claims Mr. Houston may be asserting in this action.

Mr. Houston has failed to file an amended pleading within the time allowed that clarifies the claims he is asserting in this action. Therefore, the action will be dismissed without prejudice for failure to prosecute and comply with a court order. 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

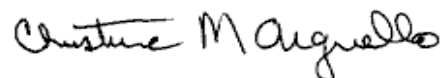
ORDERED that the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) is denied and the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Mr. Houston failed to prosecute and comply with a court order. It is

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 29th day of October, 2015.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge, for
LEWIS T. BABCOCK, Senior Judge
United States District Court