

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02364-GPG

DWAYNE VAUGHN,

Applicant,

v.

THERESA COZZA-RHODES

Respondent.

ORDER OF DISMISSAL

Applicant Dwayne Vaughn is in the custody of the Federal Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado.

Applicant initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 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 was granted leave to proceed pursuant to § 1915.

After reviewing the Application, Magistrate Judge Gordon P. Gallagher entered an order on January 5, 2016, 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 Applicant failed to identify what disciplinary actions he is challenging and to state how his First, Fifth, and Eighth Amendment rights were violated in each of the disciplinary actions. Applicant was directed to amend the Application so that the Court

and Respondents know what claims are being asserted and are able to respond to those claims.

Magistrate Judge Gallagher warned Applicant that this action would be dismissed without further notice if he failed to comply and file an amended application that complied with Rule 8 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 29th day of February, 2016.

BY THE COURT:

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