

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02402-GPG

UNITED STATES ARMY,

Plaintiff,

v.

EDWIN MARK ACKERMAN,

Defendant.

ORDER OF DISMISSAL

Edwin Mark Ackerman is in the custody of the Colorado Department of Corrections and is incarcerated at the Colorado Territorial Correctional Facility in Cañon City, Colorado. Mr. Ackerman initiated this action by filing *pro se* a pleading titled, "Petition for Transfer of Custody," ECF No. 1. On October 29, 2015, Magistrate Judge Gordon P. Gallagher entered an order and directed Mr. Ackerman to cure certain deficiencies in the pleading. Specifically, Magistrate Judge Gallagher told Mr. Ackerman to submit a request to proceed pursuant to 28 U.S.C. § 1915 or in the alternative to pay the filing fee. Mr. Ackerman also was directed that a challenge to a detainer normally is filed pursuant to 28 U.S.C. § 2241 and that he must submit his claims on a Court-approved form used in filing § 2241 actions.

Magistrate Judge Gallagher warned Mr. Ackerman that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Because the time has run for Mr. Ackerman to cure the deficiencies, and he has failed to communicate with the Court, the Court will dismiss the action.

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 Mr. Ackerman 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 action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the October 29, 2015 Order, within the time allowed, 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 8th day of December, 2015.

BY THE COURT:

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