

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02414-LTB

JERMAINE T. MAY,

Applicant,

v.

**UNITED STATES OF AMERICA; and
DEPARTMENT OF JUSTICE,**

Respondents.

ORDER OF DISMISSAL

On October 29, 2015, Applicant, Jermaine T. May, an inmate at the Florence High United States Penitentiary, submitted an Application for Writ of Habeas Corpus Pursuant to 28 USC 2241. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court determined that Mr. May's pleadings were deficient. In an order entered on November 2, 2015, Magistrate Judge Gordon P. Gallagher directed Mr. May to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher ordered Mr. May to either file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action or pay the \$5.00 filing fee (ECF No. 3). That Order specifically informed Applicant that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

No further pleadings have been filed by Applicant. Accordingly, Applicant has failed to cure the deficiencies within the time allowed. Therefore, the action will be

dismissed without prejudice for failure to cure the noted deficiencies.

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 is 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 also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in 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 cure the deficiencies, for failure to prosecute and for failure to follow a court order. It is

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

DATED at Denver, Colorado, this 15th day of December, 2015.

BY THE COURT:

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