

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02773-GPG

JOSE RICARDO SARABIA-MARTINEZ, #521284,

Applicant,

v.

THE HONORABLE JUDGE LAFF,
1st ASSISTANT ATTORNEY GENERAL ROBERT SHAPIRO, and
DENVER DISTRICT ATTORNEY LARA MULLINS,

Respondents.

ORDER OF DISMISSAL

Applicant Jose Ricardo Sarabia-Martinez is detained at the Denver County Jail in Denver, Colorado. Applicant initiated this action by filing *pro se* a Motion to for a Writ of Habeas Corpus, ECF No. 1, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, ECF No. 2. Applicant was granted leave to proceed pursuant to § 1915.

After reviewing the Motion, an order was entered an order on December 23, 2015, that directed Applicant to file an amended application. The Order found that Applicant failed to comply with Fed. R. Civ. P. 8 and Rule 4(c) of the Rules Governing Section 2254 Cases in the United States District Courts. Specifically, Applicant failed to specify all the grounds for relief and state the facts supporting each ground. 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 an amended application.

Applicant was warned 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.

FURTHER ORDERED that no certificate of appealability shall issue because Applicant has failed to show that jurists of reason would find it debatable that the district court was correct in its procedural ruling. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

DATED at Denver, Colorado, this 1st day of February, 2016.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge