

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 28 2005

GREGORY C. LANGHAM
CLERK

Civil Action No. **05 - CV - 02631 - OES**
(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)

PATRICK DURAY PORTLEY,

Applicant,

v.

KEVIN MILYARD, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND
GRANTING APPLICANT LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915**

Applicant Patrick Duray Portley has submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. The application is in proper form. Therefore, the clerk of the court will be directed to commence a civil action. Applicant also has tendered the \$5.00 filing fee. The clerk of the court will be directed to mail to the applicant, together with a copy of this order, a receipt for full payment of the \$5.00 filing fee. Accordingly, it is

ORDERED that the clerk of the court commence this civil action. It is

FURTHER ORDERED that the clerk of the court mail to the applicant, together with a copy of this order, a receipt for full payment of the \$5.00 filing fee. It is

FURTHER ORDERED that process shall not issue until further order of the court.

DATED at Denver, Colorado, this 28 day of November, 2005.

BY THE COURT:

s/ O. Edward Schlatter

O. EDWARD SCHLATTER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **05 - CV - 02631-OES**

Patrick Duray Portley
Prisoner No. 62950
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER and a receipt for the full \$5.00 filing fee** to the above-named individuals on 12-28-05

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk