

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADOFILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 24 2006

GREGORY C. LANGHAM  
CLERK

Civil Action No. 06-cv-00203-BNB

DON ALTON HARPER,

Petitioner,

v.

WARDEN W. A. SHERROD,

Respondent.

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**ORDER TO CURE DEFICIENCIES**

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Petitioner Don Alton Harper is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the Federal Correctional Institution in Littleton, Colorado. Mr. Harper initiated this action by filing *pro se* in the United States District Court for the District of Columbia (District of Columbia) documents titled "Requesting an Order to Issue Emergency Petition for Writ of Habeas Corpus," "On Motion Requesting Leave of This Court to Grant This Motion for an Order to Issue Issuance of Writ of Habeas Corpus Ad Testificandum," "The District Judge Must Consider the Petitioner's Prospect of Success on the Merits and Weigh the Interest of the Parties and the Public Interest," and "Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*."

In an order filed on February 6, 2006, the District of Columbia transferred the action to this Court. The Court has reviewed Mr. Harper's document titled "Requesting an Order to Issue Emergency Petition for Writ of Habeas Corpus" and finds that the request is deficient because it is not filed on the proper form approved for use by

prisoners in this Court. Mr. Harper will be directed to file the request on the proper form if he wishes to pursue his claims in this Court in this action. The documents titled "On Motion Requesting Leave of This Court to Grant This Motion for an Order to Issue Issuance of Writ of Habeas Corpus Ad Testificandum" and "The District Judge Must Consider the Petitioner's Prospect of Success on the Merits and Weigh the Interest of the Parties and the Public Interest" will be denied as moot because Mr. Harper will be directed to file a habeas corpus application on the proper form that includes all of his claims he wishes to assert.

As previously stated, Mr. Harper also filed in the District of Columbia an "Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*" that has been transferred to this Court. The Court has reviewed Mr. Harper's *in forma pauperis* motion and finds that the motion is deficient because it is not filed on the proper form approved for use by prisoners in this Court. Mr. Harper will be directed to file the motion on the proper form if he wishes to be granted leave to proceed *in forma pauperis* in this Court. Accordingly, it is

ORDERED that Mr. Harper cure the deficiencies identified in this order **within thirty (30) days from the date of this order**. It is

FURTHER ORDERED that the Clerk of the Court shall mail to Mr. Harper, together with a copy of this order, two copies of the following forms: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241; Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. It is

FURTHER ORDERED that if Mr. Harper fails to cure the deficiencies identified in this order within the time allowed, the action will be dismissed without further notice.

DATED February 24, 2006, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 06-cv-00203-BNB

Don Alton Harper  
Reg. No. 24496-013  
FCI – Englewood  
9595 W. Quincy Ave.  
Littleton, CO 80123

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** to the above-named individuals on 2-24-06

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk