

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

FEB 10 2006

GREGORY C. LANGHAM
CLERK

Civil Action No. 06 - CV - 00230 - BNB
(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.)

TINA BLACK,

Applicant,

v.

(WARDEN) DONISE NEAL,
(CHIEF OF SECURITY) MR. GARY NEAT,
CHER GETTMAN,
(HEARINGS OFFICER) LT. ROGERS,
(DIRECTOR DOC) JOE ORTIZE, and
JOHN SUTHERS, Attorney General of the State of Colorado,

Respondents.

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND
DIRECTING APPLICANT TO CURE DEFICIENCY**

Applicant Tina Black has submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. The court has determined that the application is deficient because Applicant is not challenging the validity of her conviction. Instead, she is challenging the conditions of her confinement. Therefore, she must file a Prisoner Complaint rather than an application for a writ of habeas corpus. In addition, Applicant has failed either to pay the filing fee or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Notwithstanding the deficiencies, the clerk of the court will be directed to commence a civil action. Applicant will be directed to cure the following if she wishes to pursue her claims. Any papers

that the Applicant files in response to this order must include the civil action number on this order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) is missing required financial information
- (5) is missing an original signature by the prisoner
- (6) is not on proper form (must use the court's current form)
- (7) names in caption do not match names in caption of complaint, petition or habeas application
- (8) An original and a copy have not been received by the court. Only an original has been received.
- (9) other: motion is necessary only if entire filing fee is not paid.

Complaint, Petition or Application:

- (10) is not submitted
- (11) is not on proper form (must use the court's current form)
- (12) is missing an original signature by the prisoner
- (13) is missing page nos. ____
- (14) uses et al. instead of listing all parties in caption
- (15) An original and a copy have not been received by the court. Only an original has been received.
- (16) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) names in caption do not match names in text
- (18) other _____

Accordingly, it is

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

FURTHER ORDERED that the applicant cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that the applicant files in response to this order must include the civil action number on this order. It is

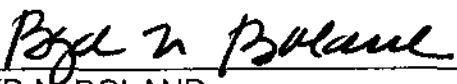
FURTHER ORDERED that the clerk of the court mail to the applicant, together with a copy of this order, two copies of the following forms: Prisoner's Motion and

Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Prisoner Complaint. It is

FURTHER ORDERED that, if the applicant fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 10th day of February, 2006.

BY THE COURT:



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 - 00230** - *BA B*

Tina Black
Prisoner No. 98483
Brush Corr. Facility
901 Industrial Park Road
Brush, CO 80723

I hereby certify that I have mailed a copy of the **ORDER and two copies of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and Prisoner Complaint** to the above-named individuals on 2-10-06

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk