

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED

DISTRICT COURT  
COLORADOCivil Action No. **06 - CV - 00453** *BNB*

MAR 14 2006

(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.)

J. O. LANGHAM  
CLERK

ERIC N. POWELL,

Applicant,

v.

WARDEN H.A. RIOS, JR.,

Respondent.

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

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Applicant has submitted a Motion for Leave to Proceed In Forma Pauperis, an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and a Petition for Writ of Habeas Corpus 28 U.S.C. § 2241. The court has determined that the documents are deficient as described in this order. 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 he wishes to pursue his claims. Any papers which 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 (Account statement submitted is not certified by a prison official and does not cover the entire

- 6-month period.)
- (4) — is missing required financial information
  - (5) — is missing an original signature by the prisoner
  - (6) X 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 \_\_\_\_\_

**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 which 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 form: 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 the Applicant fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the application and

the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 14<sup>th</sup> day of March, 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 - 00453** - *BBB*

Eric N. Powell  
Reg. No. 11576-026  
USP -Florence - High  
P.O. Box 7000  
Florence, CO 81226

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** to the above-named individuals on 3-14-06

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk