

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

APR 19 2006

GREGORY C. LANGHAM
CLERK

Civil Action No. 06 - CV - 00736-*BWB*
(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.)

TERRENCE S. REDWINE,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

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

Although Applicant has submitted a Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. §2255, it appears that he is attempting to file an action pursuant to 28 U.S.C. § 2254. He, therefore, will be directed to file an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. Mr. Redwine also has failed either to pay the \$5.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action.

Notwithstanding the above-noted 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 Applicant files in response to this Order must include the civil action number on the 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) X other: motion is necessary only if filing fee is not paid in advance.

Complaint, Petition or Application:

- (10) X 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 Applicant cure the deficiencies designated above **within thirty (30) days from the date of this Order.** Any papers which Applicant files in response to the Order must include the civil action number on the Order. It is

FURTHER ORDERED that the Clerk of the Court mail to 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 in a Habeas Corpus Action; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. It is

FURTHER ORDERED that, if 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 18th day of April, 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 - 00736** ^{-BNB}

Terrence S. Redwine
Prisoner No. 1462100
Denver County Jail
PO Box 1108
Denver, CO 80201

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 in a Habeas Corpus Action and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254** to the above-named individuals on 4-19-06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk