

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00738-ZLW

DAVID G. PFLUM,

Applicant,

v.

R. WILEY, Warden,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 15 2006

GREGORY C. LANGHAM
CLERK

ORDER GRANTING MOTION TO RECONSIDER

This matter is before the Court on the motion titled "Motion for Reconsideration of Order Denying Motion to Reconsider" submitted *pro se* by Applicant David G. Pflum and filed with the Court on August 17, 2006. Mr. Pflum seeks reconsideration of the order and judgment entered on May 30, 2006, and filed on May 31, 2006, denying his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (1994) and the order entered and filed on July 10, 2006, denying his motion to reconsider. Mr. Pflum is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the Federal Prison Camp in Florence, Colorado.

The habeas corpus application was denied and this action dismissed without prejudice because Mr. Plum failed within the time allowed either to pay the \$5.00 filing fee or to submit a motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 (Supp. 2006) in a habeas corpus action. As an attachment to the August 17, 2006, motion to reconsider, Mr. Pflum has submitted a copy of this Court's receipt

dated May 1, 2006, showing that he did in fact pay a \$5.00 filing fee in this action. Payment of the \$5.00 filing fee is not recorded on the docket report for this action.

Therefore, the August 17, 2006, motion to reconsider will be granted. The clerk of the Court will be directed to reopen this action. The clerk of the Court also will be directed to obtain a copy of the May 1, 2006, receipt from the Court's financial office and to record Mr. Pflum's May 1 payment of the \$5.00 filing fee on the docket report for this action. Accordingly, it is

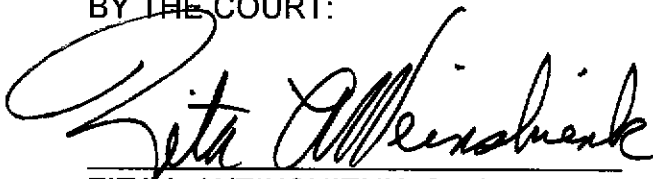
ORDERED that the motion titled "Motion for Reconsideration of Order Denying Motion to Reconsider" submitted *pro se* by Applicant David G. Pflum and filed with the Court on August 17, 2006, is granted. It is

FURTHER ORDERED that the clerk of the Court is directed to reopen this action. It is

FURTHER ORDERED that the clerk of the Court is directed to obtain a copy of the May 1, 2006, receipt for payment of the \$5.00 filing fee in this action from the financial office and to record that payment on the docket report for this action.

DATED at Denver, Colorado, this 15 day of Sept., 2006.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 06-cv-00738-ZLW

David G. Pflum
Reg. No. 14685-031
FPC – Florence
PO Box 5000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 9/15/06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk