

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

06 - CV - 01176 - BNB

Civil Action No. 06 - CV - 01176 - 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.)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

JUN 20 2006

GREGORY C. LANGHAM
CLERK

LEROY SAMUELS,

Applicant,

v.

ALLEN STANLEY,
COLORADO BOARD OF PAROLE, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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

Applicant has submitted a 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. § 2254. Applicant also has tendered the \$5.00 filing fee. The Court has determined that Applicant's claims more properly are asserted on a Court-approved form used in filing 28 U.S.C. § 2241 applications. Notwithstanding the deficiency, 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 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
- (8) An original and a copy have not been received by the court.
- (9) other _____

Complaint, Petition or Application:

- (10) is not submitted
- (11) is not on proper 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 deficiency designated above **within thirty days from the date of this Order**. Any papers which Applicant files in response to this 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 form: an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a copy of the receipt for full payment of the \$5.00 filing fee. It is

FURTHER ORDERED that if Applicant fails to cure the designated deficiency **within thirty 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 16th day of June, 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 - 01176** - *β n β*

Leroy Samuels
Reg. No. 81560
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** to the above-named individuals on *6-20-06*

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk