

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

JUN 22 2006

Civil Action No. **06 - CV - 01199-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.)

GREGORY C. LANGHAM
CLERK

MICHAEL S. ELKINS,

Petitioner,

v.

HECTOR A. RIOS,

Respondent.

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

Petitioner has submitted a Petition for Habeas Corpus 28 U.S.C. §2241.

Petitioner has also tendered the full \$5.00 filing fee. The court has determined that the document is deficient as described in this order. Notwithstanding the deficiencies, the clerk of the court will be directed to commence a civil action. Petitioner will be directed to cure the following if he wishes to pursue his claims. Any papers which the Petitioner 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 _____

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 Petitioner cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the Petitioner 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 Petitioner, together with a copy of this order, two copies of the following forms: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and a receipt for the full \$5.00 filing fee.

It is

FURTHER ORDERED that, if the Petitioner fails to cure the designated deficiencies **within thirty (30) days from the date of this order,** the petition and the

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

DATED at Denver, Colorado, this 20th day of June, 2006.

BY THE COURT:



BOYDEN BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **06 - CV - 01199** - *BWB*

Michael S. Elkins
Reg. No. 04988-089
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

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** and a receipt for the full **\$5.00 filing fee** to the above-named individuals on *6-22-06*

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk