IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

06 - CV - 01238 - ℛℳℬ

FILED
UNITED STATES DISTRICT COURT
FOR COLO.

JUN 28 2006

GREG . J. LANGHAM
CLERK

Civil Action No. _____

(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.)

CAMERON HERR,

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. He 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. 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)   X   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: <u>motion is necessary only if filing fee is not paid in advance.</u>

Complaint, Petition or Application:
(10)   __   is not submitted
(11)   _X_   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: 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. § 2241. 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 __27TH__ 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 - 01238** -*BWB*

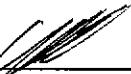Cameron Herr
Reg. No. 09483-073
FCI – Florence
PO Box 6000
Florence, CO 81226

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. § 2241** to the above-named individuals on *6-28-06*

GREGORY C. LANGHAM, CLERK

By: _____
                Deputy Clerk