

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 06-CV-02185-BOB  
(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.)

OCT 31 2006

BREGON, C. LANCHAM  
CLERK

MICHAEL GRADY,

Petitioner,

v.

R. WILEY, Warden,

Respondent.

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

Petitioner has submitted a Petitioner's Request for Leave to File and Proceed on Writ of Habeas Corpus In Forma Pauperis Pursuant to 28 U.S.C. §1915, a Petitioner's Affidavit in Support of Request to Proceed In Forma Pauperis Under §1915, a Petitioner's Motion Requesting to be Released on Bail Pending Review of Decision Pursuant to Rule 23 (c), a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241 by a Person in Federal Custody, and a Petitioner's Memorandum of Law in Support of Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241 (c) (3). As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted documents are 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: 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 27<sup>th</sup> day of October, 2006.

BY THE COURT:

  
\_\_\_\_\_  
BOYD M. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

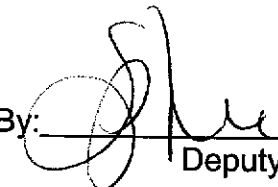
Civil Action No. **06 - CV - 02185** - bnb

Michael Grady  
Reg. No. 25943-044  
FPC - Florence  
PO Box 5000  
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 an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** to the above-named individuals on 10/31/06

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

  
Deputy Clerk