

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

NOV 29 2006

GREGORY C. LANGRISH
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

06 - CV - 02381 - 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.)

HERBERT LEYBA,

Applicant,

v.

WARDEN HARTLEY, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION

Applicant Herbert Leyba has submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted application is in proper form. Therefore, the clerk of the court will be directed to commence a civil action. Applicant also has tendered the \$5.00 filing fee. The clerk of the court will be directed to mail to the applicant, together with a copy of this order, a receipt for full payment of the \$5.00 filing fee. Accordingly, it is

ORDERED that the clerk of the court commence this civil action. It is

FURTHER ORDERED that the clerk of the court mail to the applicant, together with a copy of this order, a receipt for full payment of the \$5.00 filing fee. It is

FURTHER ORDERED that process shall not issue until further order of the court.

DATED at Denver, Colorado, this 28th day of November, 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 - 02381 - BNB**

Herbert Leyba
Prisoner No. 106973
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 11/29/06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk