

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. **07 - CV - 01416-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.)

LUIS ECHEMENDIA DIAZ,

Applicant,

v.

MICHAEL ARELLANO, and  
THE ATTORNEY GENERAL OF THE STATE OF: JOHN SUTHERS,

Respondents.

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

JUL - 6 2007

GREGORY C. LANGHAM  
CLERK

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

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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, an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, a document titled "Rules of Criminal Procedure: Post Convictions Review;" and a document titled "Rules of Criminal Procedure: Issue it Which Prejudicial for My Case, All Pro-se Litigant. Again we Disagree. Petitionners [sic] Motion Resolution of the Appeal or The Alternative to Make Applications Post-convictions "Review." 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. 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 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 (Account statement submitted is not certified by a prison official.)
- (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 Applicant cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the Applicant files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that, if the Applicant fails to cure the designated deficiencies **within thirty (30) 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 20 day of July, 2007.

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. **07 - CV - 01416-BNB**

Luis Echemendia Diaz  
Doc# 84886  
CTCF  
PO Box 1010  
Canon City, CO 81215

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/6/07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk