

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01712-MSK-MEH

PETER GEORGACARAKOS,

Plaintiff,

v.

WILEY, *et al.*,

Defendants.

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MINUTE ORDER

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Entered by Michael E. Hegarty, United States Magistrate Judge, on January 28, 2009.

Plaintiff's Motion for Court to Review Criminal Conviction Inextricably Linked to this Civil Action [[filed January 21, 2009; docket #481](#)] is **denied without prejudice**.<sup>1</sup> Pursuant to Rule 1(b) of the Rules Governing Section 2254 cases, the district court may apply any or all of the rules applicable to a § 2254 habeas petition to other habeas petitions, such as those pursuant to § 2241. Rule 3 requires that the original petition be filed with the clerk and accompanied either by a filing fee or a motion for leave to proceed *in forma pauperis*. D.C. Colo. LCivR 8.2 requires that all *pro se* prisoners shall use the forms established by this Court to file an action.

Therefore, if Plaintiff wishes to proceed with his § 2241 action, he shall complete and file an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Court. Furthermore, if he desires to proceed *in forma pauperis*, the Plaintiff shall complete and file with the Court a Prisoner's Motion and Affidavit. In the alternative, he may pay the \$5.00 filing fee in full.

The Clerk of the Court shall mail to the Plaintiff two copies of the following forms: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241; Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § in a Habeas Action.

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<sup>1</sup>See, e.g., *Adams v. Wiley*, 2008 WL 4746794, \*2 (10th Cir. Oct. 30, 2008) (finding that a magistrate judge may determine that a motion is improperly filed and order the petitioner to use the proper forms to file the motion).