

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

Civil Action No. 09-cv-00171-ZLW

APR 01 2009

GREGORY C. LANGHAM  
CLERK

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DAVID L. JACKSON,

Applicant,

v.

BLAKE R. DAVIS,

Respondent.

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ORDER GRANTING REQUEST TO REINSTATE CASE

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Applicant David L. Jackson is in the custody of the United States Bureau of Prisons and currently is incarcerated at the United States Penitentiary in Florence, Colorado. The matter before the Court is the Letter and account statement that Mr. Jackson, a *pro se* litigant, filed on March 16, 2009, in the instant action. In the Letter, Mr. Jackson seeks reconsideration of the Order of Dismissal that was entered on March 9, 2009, and reinstatement of the case.

This action was dismissed without prejudice because Mr. Jackson failed either to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action or to pay the filing fee. Upon review of Mr. Jackson's Letter and the attached account statement, submitted on March 16, 2009, the Court finds that the action should be reinstated. Mr. Jackson, however, is reminded

that all papers submitted to the Court, including payments, should be noted with the associated case number. Accordingly, it is

ORDERED that Mr. Jackson's Letter, filed on March 16, 2009, is construed as a request to reinstate the instant action and is granted. It is

FURTHER ORDERED that the Order of Dismissal and the Judgment, both filed on March 9, 2009, are vacated. It is

FURTHER ORDERED that the Clerk of the Court is directed to reinstate this action. It is

FURTHER ORDERED that Mr. Jackson, within thirty days of the date of this Order, submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action or in the alternative pay the \$5.00 filing fee. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Jackson, together with a copy of this Order, two copies of the current Court-approved form: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. It is

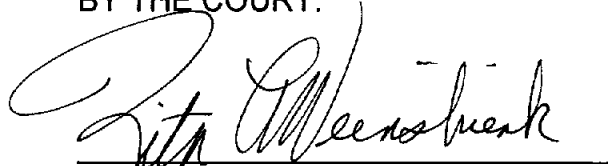
FURTHER ORDERED that if Mr. Jackson fails either to submit the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action form or in the alternative to submit the \$5.00 filing fee, **within thirty days from the date of this Order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the case and action again are referred to Magistrate Judge Boyd N. Boland for further initial review. It is

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

DATED at Denver, Colorado, this 1 day of April, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-00171-BNB

David L. Jackson  
Reg. No. 27944-013  
USP - Florence  
PO Box 7000  
Florence, CO 81226

I hereby certify that I have mailed and a copy of the **ORDER and two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action form** to the above-named individuals on 4/1/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk