

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

'09 - CV - 00375 BnB

FEB 24 2009

Civil Action No. \_\_\_\_\_

(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.)

GREGORY C. LANGHAM  
CLERK

EARL WILLIAM CAMPBELL, JR.,

Petitioner,

v.

KEVIN MILYARD, Warden, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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

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Petitioner has submitted a "Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action" and a "Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. Sect. 2254." As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the 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 that 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)    xx is missing certified copy of prisoner's trust fund statement (account statement submitted does not show current balance)

- (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) xx 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) xx other: Petitioner must seek relief pursuant to 28 U.S.C. § 2241 because he is challenging only the execution of his sentence.

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is FURTHER ORDERED that Petitioner cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that 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 Petitioner, together with a copy of this order, two copies of the following form: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Petitioner fails to cure the designated deficiencies **within thirty (30) days from the date of this order,** the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 20<sup>th</sup> day of February, 2009.

BY THE COURT:

Boyd N Boland  
BOYD N BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No.

Earl William Campbell, Jr.  
Reg No. 43916  
Sterling Correctional Facility  
PO Box 6000  
Unit 7A-1-08  
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** form to the above-named individuals on 2/24/09

GREGORY C. LANGHAM, CLERK

By: 

\_\_\_\_\_  
Deputy Clerk