FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

MAR 1 3 2009

Civil Action No. **'09 - CV - 00538** ₽ₙₖ

GREGORY C. LANGHAM
CLERK

**(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.)**

DAVID DEAN YOUNG,

     Applicant,

v.

RON WILEY, Warden,

     Respondent.

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

Applicant has submitted an Application for a Writ of Habeas Corpus Pursuant to

28 U.S.C. § 2241, and a Memorandum of Law In Support of § 2241 Application for a

Writ of Habeas Corpus. He has failed either to pay the $5.00 filing fee or to file a

Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a

Habeas Corpus Action. 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)   <u>X</u>   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
(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)	X	other: motion is necessary only if filing fee is not paid in advance.

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 the clerk of the court mail to the Applicant, together

with a copy of this order, two copies of the following form(s): 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 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 _12th_ day of _March_, 2009.

BY THE COURT:

Boyd N. Boland

BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
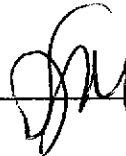FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **'09 - CV - 00538**

David Dean Young
Reg No. 09693-081
FCI - Florence
P.O. Box 5000
Florence, CO 81226-5000

I hereby certify that I have mailed 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 _3/13/09_

GREGORY C. LANGHAM, CLERK

By:_____
                    Deputy Clerk