

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00827-BNB

AARON HUNTER,¹

Applicant,

v.

BLAKE DAVIS, Warden,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 21 2009

GREGORY C. LANGHAM
CLERK

ORDER

On April 10, 2009, the Court entered an order directing Applicant, Aaron Hunter, to submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action if he is not paying the filing fee. On April 20, 2009, Applicant filed a Reply in which he asserts that he sent a \$5.00 check to the Court in the same package that contained his Application. Mr. Hunter also submitted a copy of his trust fund account statement along with the Reply. The account statement shows that on March 17, 2009, \$5.00 was removed from his account for payment of court fees.

Nonetheless, the Clerk of the Court has confirmed that no payment has been received from Mr. Hunter in the instant action. Furthermore, although the statement indicates monies were withdrawn from his account, Mr. Hunter provides no statement

¹ Although Mr. Hunter refers to his name as "Hunter-EI" on the Application form, the Court finds that the BOP website lists him as Aaron Hunter. In keeping with the BOP's inmate registration, the Court will identify Applicant as Aaron Hunter not Aaron Hunter-EI.

by a prison staff member that a payment was mailed to the Court along with the Application, as Mr. Hunter suggests.

Therefore, Mr. Hunter will be given additional time to verify with the prison business department if and when the check was mailed to this Court and either to submit a second \$5.00 payment if necessary or to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in Habeas Corpus Action. Accordingly, it is

ORDERED that Mr. Hunter shall have thirty days from the date of the instant Order to comply with the directives in this Order. If he fails to comply within thirty days the action will be dismissed without further notice.

DATED April 21, 2009, at Denver, Colorado.

BY THE COURT:

s/ 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-00827-BNB

Aaron Hunter
Prisoner No. 05634-090
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 4/21/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk