

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

APR 21 2009

GREGORY C. LANGHAM  
CLERK

Civil Action No. **'09 - CV - 00904** *BMB*  
(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.)

VINCENT E. LOGGINS,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

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

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Plaintiff has submitted a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Because Plaintiff is incarcerated and is seeking his immediate release in this action, he will be directed to use the proper forms for filing an application for a writ of habeas corpus. Any papers that Plaintiff 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)  is missing certified copy of inmate's trust fund account statement

- (4) \_\_\_ is missing required financial information
- (5) \_\_\_ is missing an original signature by the prisoner
- (6) xx 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) \_\_\_ other \_\_\_\_\_

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is

FURTHER ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Plaintiff 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 Plaintiff, together with a copy of this order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Plaintiff 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 17<sup>th</sup> day of April, 2009.

BY THE COURT:

  
\_\_\_\_\_  
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 - 00904**

Vincent E. Loggins  
San Carlos Corr. Facility  
1410 W. 13<sup>th</sup> Street  
PO Box 3  
Pueblo, CO 81003

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 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 4/21/09

GREGORY C. LANGHAM, CLERK

By:  Deputy Clerk