

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-01129-BNB

OSIEL RODRIGUEZ,

Applicant,

v.

R. WILEY,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 21 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO CURE DEFICIENCY

Applicant, Osiel Rodriguez, a federal prisoner currently housed in the State of Colorado, originally filed a 28 U.S.C. § 2241 action in the United States District Court for the Eastern District of California (Eastern District of California). The Eastern District of California determined that venue in the instant action properly lies in the United States District Court for the District of Colorado and entered an order that transferred the action to this Court, on January 7, 2009. Pursuant to Applicant's inquiry about the transfer, filed on May 18, 2009, with this Court, the Clerk of the Court has commenced the instant action.

As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, this Court has determined that the submitted documents are deficient as described in this Order. Applicant will be directed to cure the following if he wishes to pursue his claims. Any papers which 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) ___ 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) ___ Other _____

Complaint, Petition or Application:

- (10) ___ is not submitted
- (11) X is not on proper form (must use this 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 Applicant cure the deficiency designated above **within thirty days from the date of this Order**. Any papers which 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 Applicant, 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 Applicant fails to cure the designated deficiency **within thirty days from the date of this Order** the action will be dismissed without

further notice.

DATED May 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-01129-BNB

Osiel Rodriguez
Reg No. 21130-018
US Penitentiary ADX
P.O. Box 8500
Florence, CO 81226

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** to the above-named individuals on 5/21/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk