

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

'09 - CV - 01292

JUN 3 - 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.)

Bnb

GREGORY C. LANGHAM
CLERK

AGAPITO GARZA, in behalf of themselves and all others interested,

Applicant,

v.

RON WILEY, Warden, Federal Prison Camp - Florence,

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, a Notice of Motion for the Court to Take Judicial Notice Pursuant to USCS Federal Rules of Evidence, Rule 201(d), That FPC-Florence Is "Categorically Denying" Both Pre-Release Inmates More Than 6 Months of Halfway House and Is Also Not Transferring Non Pre-Release Inmates to Halfway Houses, a Notice of Motion to Certify the Class and for the Appointment of Counsel, a Notice of Motion for an Order Directing All Proceedings in the Above-Entitled Case Be Presided Over by Any Available Magistrate Judge, and 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) 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 certificate showing current balance in prison account (account statement is not certified by a prison official)
- (5) is missing required financial information
- (6) is missing an original signature by the prisoner
- (7) is not on proper form (must use the court's current form)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) An original and a copy have not been received by the court. Only an original has been received.
- (10) other: _____.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the court's current form)
- (13) is missing an original signature by the prisoner
- (14) is missing page nos. ____
- (15) uses et al. instead of listing all parties in caption
- (16) An original and a copy have not been received by the court. Only an original has been received.
- (17) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18) names in caption do not match names in text
- (19) 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, 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 1st day of June, 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 - 01292

Agapito Garza
Reg No. 82795-180
Federal Prison Camp
P.O. Box 5000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/3/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk