

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

JUL 7 - 2009

GREGORY C. LANGHAM
 CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

Civil Action No. '09 - CV - 01595 *BOB*
 (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.)

ERIC MARSHALL,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO, and
 THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND
 DIRECTING APPLICANT TO CURE DEFICIENCIES**

Applicant has submitted a "Motion to File Without Payment and Supporting Financial Affidavit," and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. 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 that 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
- (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: Motion is necessary only if filing fee is not paid in advance.

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 that 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: 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 22 day of July, 2009.

BY THE COURT:



CRAIG B. SHAFFER
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

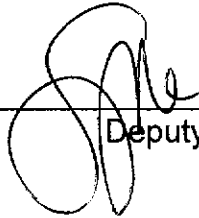
Civil Action No. '09 - CV - 01595

Eric Marshall
Prisoner No. 83492
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

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** to the above-named individuals on 7/7/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk