

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

SEP 30 2009

Civil Action No. \_\_\_\_\_

**09CV02331**

*BnB*

GREGORY C. LANGHAM  
CLERK

(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.)

MALACHI Z. YORK-EL ©, misnomer DWIGHT YORK ©,  
NOBLE: MALACHI YORK:EL: ©,  
MALACHI KOBINA YORK,  
ISSA AL HAADI AL MAAHDI,  
PARALEGAL PROFESSIONAL INC.,  
UNITED WORLDWIDE NUWAUPIANS,  
AS 1-10,000, and  
YORK,

Applicants, named as Plaintiffs,

v.

UNITED STATES PROBATION AND SENTENCING OFFICE,  
FEDERAL BUREAU OF PRISONS,  
U.S. DEPARTMENT OF JUSTICE,  
T. SUDLOW - Case Manager,  
DON JENNINGS,  
ADELSBERGER - Unit Manager,  
GERALD BOZMAN - Case Manager,  
KEVIN L. MASON - Sentencing & Probation,  
ELIZABETH K. THOMAS - Sentencing & Probation,  
BRIAN A. BLEDSOE, Warden,  
L. MCDERMOTT, Health Services Specialist,  
D. SHIEFELBEIN, Physician Assistant, and  
J. T. SHARTLE, Former Associate Warden, Captain,

Respondents, named as Defendants.

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**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND  
DIRECTING APPLICANT MALACHI Z. YORK TO CURE DEFICIENCIES**

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This matter is before the Court on a cover page titled "Complaint to Correct Pre-Sentencing Report and Custody Classification With Designation With an Emergency

Injunctive Medical Relief/Transfer and Petition to Quash the Indictment Due to New or Suppressed Evidence,” a document titled “Torture Suit Jury Demand” and “Complaint to Correct Pre-Sentence and Sentencing Report and Custody Classification With Designation With an Emergency Injunctive Medical Relief/Transfer and Petition to Quash Indictment With a Supplemental Habeas Corpus 28 U.S.C. § 2255,” and a document titled “Emergency Injunction for a Medical Transfer.”

As part of the Court’s review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that, because Malachi Z. York, also known as Dwight D. York, is attacking his 2004 conviction in the United States District Court for the Middle District of Georgia, **United States v. York**, No. 02-cr-00027-CAR-1 (M.D. Ga. June 10, 2004), his claims properly are asserted on a Court-approved form used in filing 28 U.S.C. § 2241 applications. In addition, because no other Applicant is a party to criminal case No. 02-cr-00027-CAR-1, only Mr. York may attack his conviction in the Middle District of Georgia and only he may sign the § 2241 application. The Court will dismiss as parties to this action the following Applicants, named as Plaintiffs: Noble: Malachi York:EI: ©, Malachi Kobina York, Issa Al Haadi al Maahdi, Paralegal Professional Inc., United Worldwide Nuwaupians, As 1-10,000, and York.

Mr. York 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. Notwithstanding the deficiency, the clerk of the Court will be directed to commence a civil action. Mr. York will be directed to cure the following if he wishes to pursue his claims. Any papers which Mr. York files in response to this order must include the civil action number on the 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 Mr. York cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Mr. York 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 Mr. York, together with a copy of this order, two copies of the following forms to be used in submitting his 28 U.S.C. § 2241 application: 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. It is

FURTHER ORDERED that the following Applicants, named as Plaintiffs, are dismissed as parties to this action: Noble: Malachi York:El: ©, Malachi Kobina York, Issa Al Haadi al Maahdi, Paralegal Professional Inc., United Worldwide Nuwaupians, As 1-10,000, and York. It is

FURTHER ORDERED that the clerk of the Court remove the names of Noble: Malachi York:El: ©, Malachi Kobina York, Issa Al Haadi al Maahdi, Paralegal Professional Inc., United Worldwide Nuwaupians, As 1-10,000, and York as parties to this action. It is

FURTHER ORDERED that, if Mr. York 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 28<sup>th</sup> day of September, 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.

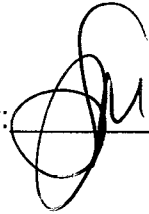
09CV02331

Malachi York  
aka Dwight York  
Reg. No. 17911-054  
ADX - Florence  
PO Box 8500  
Florence, CO 81226

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 9/30/09.

GREGORY C. LANGHAM, CLERK

By:



Deputy Clerk