

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADOFILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

09CV02793

DEC 1 - 2009

Civil Action No. _____

Bne

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.)

VINCENT E. LOGGINS,

Applicant,

v.

HONORABLE JUDGE JULIE G. MARSHALL,

Respondent.

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

Applicant has submitted a notice of change of address, a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. Although his claims in the two pleadings are not entirely clear, the claims are similar and it appears that Applicant intends to commence only one habeas corpus action. Furthermore, because Applicant's claims are not entirely clear, the court cannot determine whether those claims properly are raised pursuant to 28 U.S.C. § 2254, for claims challenging the validity of a conviction or sentence, or 28 U.S.C. § 2241, for claims challenging the execution of a sentence or some other form of custody. Applicant will be directed below to file one amended pleading on whichever form is appropriate for the claims he seeks to assert.

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 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) xx 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) xx is not on proper form (must use the court's current form for habeas actions)
- (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
- (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) xx other: Applicant submitted two applications on different forms; Applicant must use only one form and he must assert his claims clearly.

Accordingly, it is


ORDERED that the clerk of the court commence a civil action in this matter. It is FURTHER ORDERED that Applicant cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that 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 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; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. It is

FURTHER ORDERED that, if Applicant 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 30th day of November, 2009.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

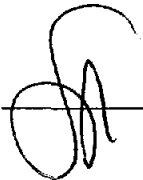
CERTIFICATE OF MAILING

Civil Action No. **09CV02793**

Vincent E. Loggins
Prisoner No. 81868
CMHIP
1600 W. 24th St.
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, Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 12/1/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk