

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-03025-BNB

DOUGLAS LEE CRAWFORD,

Applicant,

v.

THE ADAMS COUNTY COMBINED COURT JUSTICE CENTER,

Respondent.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 12 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Applicant, Douglas Lee Crawford, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Sterling, Colorado, correctional facility. Mr. Crawford attempted to initiate this action by filing *pro se* a letter to the clerk of the Court, a document titled "Submission of Motion to Correct the Fraud Committed," a "Petition for a Rule to Show Cause in Exercise of Original Jurisdiction C.A.R. 21," a "Motion for an Order for a Certified Copy of all State Trial and Appeal Records," a "Motion for Appointment of Counsel," a "Motion to File Without Payment of Filing Fee," and a "Brief in Support of Appointment of Conflict Free Counsel."

The Court reviewed the documents and determined they were deficient. Therefore, in an order filed on December 30, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Crawford to cure certain deficiencies in the case within thirty days if he wished to pursue his claims.

Mr. Crawford specifically was directed either to pay the \$5.00 filing fee for a habeas corpus action or to file a certificate of the warden or other appropriate officer of the Sterling Correctional Facility as to the amount of money currently on deposit in his trust fund account. He also was directed to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 on the proper, Court-approved forms. The December 30 order warned Mr. Crawford that, if he failed within the time allowed to cure the designated deficiencies, the action would be dismissed without further notice.

On January 8, 2010, Mr. Crawford submitted to the Court on the proper form an amended § 1915 motion and affidavit together with a certificate of the warden as to the amount of money on deposit in his trust fund account. On the same day, he filed a letter informing the Court that he would pay the \$5.00 filing fee for a habeas corpus action. On January 12, 2010, he submitted the \$5.00 filing fee. Therefore, the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action will be denied as moot. On January 20, 2010, Mr. Crawford submitted a letter to the Court with attachments. He has not, within the time allowed, submitted an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 on the proper, Court-approved form. This deficiency is sufficient to support the dismissal of the instant action for failure to cure.

The Court notes that, through the papers he filed in the instant action, Mr. Crawford appears to be attacking his conviction in Adams County District Court case, ***People v. Crawford***, No. 85CR1173, which he previously attacked in ***Crawford v.***

**Milyard**, No. 08-cv-01084-ZLW (D. Colo. Aug. 15, 2008), and which this Court dismissed as time-barred. Then in **Crawford v. Milyard**, No. 08-cv-02642-ZLW (D. Colo. Apr. 8, 2009), Mr. Crawford again attacked his conviction in No. 85CR1173. In No. 08-cv-02642-ZLW, this Court denied the habeas corpus application as unauthorized and successive, and dismissed the action without prejudice for lack of jurisdiction. Mr. Crawford may not again challenge his conviction No. 85CR1173 in this or in any other habeas corpus action in this Court. Accordingly, it is

ORDERED that the action dismissed without prejudice for failure to cure. It is

FURTHER ORDERED leave to proceed pursuant to 28 U.S.C. § 1915 is denied as moot because Applicant, Douglas Lee Crawford, has failed the \$5.00 filing fee for a habeas corpus action. It is

FURTHER ORDERED that the "Petition for a Rule to Show Cause in Exercise of Original Jurisdiction C.A.R. 21" is denied. It is

FURTHER ORDERED that any other pending motions are denied as moot.

DATED at Denver, Colorado, this 10<sup>th</sup> day of February, 2010.

BY THE COURT:

Handwritten signature of Philip A. Brimmer in cursive, followed by a horizontal line and the word "for" to the right.

PHILIP A. BRIMMER  
United States District Judge for  
ZITA LEESON WEINSHIENK  
Senior Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-03025-BNB

Douglas Lee Crawford  
Prisoner No. 55972  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 2/12/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk