

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

MAR 3 - 2010

Civil Action No. 10 - CV - 00491 BnB
 (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.)

GREGORY C. LANGHAM
 CLERK

ABIEL LAEKE,

Applicant,

v.

UKBAI HADGU, Ethiopia, Africa,
 FAKDU HADGU, Ethiopia, Africa,
 SELAM HADGU, Ethiopia, Africa,
 DAWIT GIDAY, Ethiopia, Africa,
 WIZRO GIDAY, Ethiopia, Africa,
 DGIAT DESTA, Ethiopia, Africa,
 MIRER BRNBR, Ethiopia, Africa,
 TESFU DESTA, Ethiopia, Africa,
 IBDIT DESTA, Ethiopia, Africa,
 SABOK DESTA, Ethiopia, Africa,
 ZIADE DESTA, Ethiopia, Africa,
 FRWYN GEBRE, Ethiopia, Africa,
 ROBEL GIDAY, Ethiopia, Africa,
 TEZAR HAILE, Ethiopia, Africa,
 KHSYI GGZBR, Ethiopia, Africa,
 MHARI HADGU, Ethiopia, Africa,
 MNTWB FANTA, Ethiopia, Africa,
 GENET DESTA, Ethiopia, Africa, and
 TEKIE MELES, Ethiopia, Africa,

Respondents.

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

Applicant has submitted a document titled "Habeas Corpus Action." He has
 failed to file an application for a writ of habeas corpus on the proper form that specifies

the claims he is asserting and he has failed either to pay the filing fee or to file on the proper form a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted document is 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) 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.

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 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. 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 1st day of March, 2010.

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. '10 - CV - 00491

Abiel Laeke
Prisoner No. 85103
CMHIP
1600 W. 24th Street
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 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 3/3/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk