

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO**

AUG 3 - 2010

Civil Action No. 10 - CV - 01836 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.)

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

SHANE STEVENS,

Defendant.

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

Defendant has submitted to the court a document titled "Writ of Discovery" and a document titled "Averment of Jurisdiction." Although it is not clear exactly what relief Defendant is seeking in this court, he appears to be asserting some claim or claims relevant to his Colorado state court criminal case. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, 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. Defendant will be directed to cure the following if he wishes to pursue his claims. Because Defendant does not allege that he has been convicted in his criminal case, he will be directed to file on the proper form an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. If Defendant actually is challenging the validity of a state court conviction or

sentence, he must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and he can obtain the proper form from the clerk of the court. Any papers that Defendant 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
- (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 entire filing fee is not paid in advance.

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) other _____

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is

FURTHER ORDERED that Defendant cure the deficiencies designated above

within thirty (30) days from the date of this order. Any papers that Defendant 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 Defendant, together with a copy of this order, two copies of the following form: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Defendant 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 2^d day of August, 2010.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

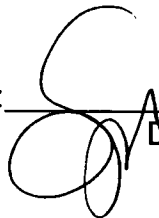
CERTIFICATE OF MAILING

Civil Action No. '10 - CV - 01836

Shane Stevens-EI
1460 E. Bell Road #2140
Phoenix, AZ 85022

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 8/3/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk