

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

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

AUG 24 2010

Civil Action No. 10 - CV - 02040 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.)**

VIRGIL CROFFER,

Applicant,

v.

DENVER COUNTY COURTS, and  
 THE ATTORNEY GENERAL OF THE STATE OF [COLORADO],

Respondents.

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

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Applicant has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. Applicant has failed to provide the court with a mailing address. The court will use the mailing address from Mr. Croffer's previous case (Civil Action No. 09-cv-02796-ZLW) in an attempt to contact the Applicant in this action. The address of record for Mr. Croffer is 9440 Hoffman Way, Building D-104, Thornton, CO 80229. The address of record is a non-prison address; therefore, the court will presume that the Applicant is a non-prisoner. 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. Applicant will be directed to cure the following if he wishes to pursue his claims. Any papers which the Applicant files in response to this order must include the civil action number on this order.

**Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1)  is not submitted
- (2)  is not on proper form (must use the court's current form used by non-prisoners)
- (3)  is missing original signature by Applicant
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit is not notarized or is not properly notarized
- (7)  names in caption do not match names in caption of complaint, petition or application
- (8)  An original and a copy have not been received by the court. Only an original has been received.
- (9)  other: Motion is necessary only if \$5.00 filing fee is not paid in advance.

**Complaint or Petition:**

- (10)  is not submitted
- (11)  is not on proper form (must use the court's current form)
- (12)  is missing an original signature by the Applicant
- (13)  is incomplete (Sections "A. Conviction Under Attack," "H. Legal Representation," "H. Request for Relief" and addresses of the parties on page 9 are incomplete.)
- (14)  uses et al. instead of listing all parties in caption
- (15)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other: \_\_\_\_\_.

Accordingly, it is

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

FURTHER ORDERED that the Applicant cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the 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 the Applicant, together with a copy of this order, copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. It is

FURTHER ORDERED that, if the Applicant fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the application and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 23<sup>d</sup> 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

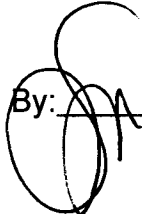
CERTIFICATE OF MAILING

Civil Action No. '10 - CV - 02040

Virgil Croffer  
9440 Hoffman Way #D-104  
Thornton, CO 80229

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254** forms to the above-named individuals on 8/24/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk