

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

**MAY 19 2011**

**GREGORY C. LANGHAM**  
**CLERK**

---

Civil Action No. 11-cv-00699-BNB

JOHN W. GUNTER,

Applicant,

v.

DICK SMELSER, Warden of Crowley County Correctional Facility, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondent.

---

ORDER

---

This matter is before the Court on the letter (ECF No. 5) submitted by Louis James Grimaldi, Esq., on May 10, 2011, in response to the order (ECF No. 2) filed March 28, 2011, directing him to complete and submit an application for admission to the bar of this Court.

Applicant, John W. Gunter, attempted to initiate this action on March 21, 2011, with an unsigned application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 submitted to and filed with the Court on his behalf by Mr. Grimaldi. Mr. Grimaldi, an attorney in Texas, filed a notice of limited representation as an attachment to the habeas corpus application, informing the Court that he is a member of the Colorado bar and the bar for the United States Court of Appeals for the Tenth Circuit, and that he provided *pro bono* assistance to Mr. Gunter in drafting the instant habeas corpus application.

In the May 10 letter, Mr. Grimaldi clarifies that he is admitted to the bar of this

Court, but failed to use his full name or indicate his bar admission when signing the notice of limited representation. Mr. Grimaldi submitted the May 10 letter to demonstrate his “substantial compliance,” **see** May 10 letter (ECF No. 2) at 2, with the March 28 order. He asks that the Court rescind its March 4 order for an amended application, and accept Applicant’s “**pro se** habeas petition as originally filed.” *Id.*

Mr. Grimaldi is not in substantial compliance with the March 28 order. If he wishes to represent Applicant, he must sign the amended application the Court ordered Applicant to submit. Simply because Mr. Grimaldi is a member of the Colorado bar and admitted to the bar of this Court does not mean he is representing Applicant, who Mr. Grimaldi himself contends is proceeding **pro se**. **See** May 10 letter (ECF No. 2) at 2. Whether or not Mr. Grimaldi opts to represent Applicant, a signed amended application is due in this Court within thirty days from the May 4 order.

Accordingly, it is

ORDERED that if Louis James Grimaldi, Esq., wishes to represent Applicant in the instant habeas corpus action, Mr. Grimaldi must sign the amended application the Court ordered Applicant to submit. It is

FURTHER ORDERED that whether or not Mr. Grimaldi opts to represent Applicant, a signed amended application is due in this Court within thirty days from the May 4 order. It is

FURTHER ORDERED that the clerk of the Court mail a copy of this order to Louis James Grimaldi, Esq., at the address he has provided--P.O. Box 103, Kemah, TX 77565.

DATED May 19, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**


Civil Action No. 11-cv-00699-BNB

John W Gunter  
Prisoner No. 93555  
Crowley County Corr. Facility  
6564 State Hwy. 96  
Olney Springs, CO 81062-8700

Louis James Grimaldi, Esq.  
PO Box 103  
Kemah, TX 77565

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on May 19, 2011.

GREGORY C. LANGHAM, CLERK

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