

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02060-ZLW

TONEY LAMAR BROWN,

Applicant,

v.

KEVIN MILYARD, Warden, S.C.F., and  
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

---

ORDER TO CURE DEFICIENCY

---

Weinshienk, Senior Judge

Applicant submitted a Motion Requesting A Certificate of Appealability which is being treated as a Notice of Appeal on June 3, 2009. The court has determined that the document is deficient as described in this order. Applicant will be directed to cure the following if he wishes to pursue this appeal.

**(A) Filing Fee**

  X   is not submitted

**(B) Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Habeas Corpus Action:**

  X   is not submitted

       is missing affidavit

       is missing required financial information

       is missing an original signature by the prisoner

       is not on proper form (must use the court's current form

       other

Accordingly, it is

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, an original and one copy of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Habeas Corpus Action. It is

FURTHER ORDERED that, if Applicant fails to cure the designated deficiencies within 30 days from the date of this order, the court of appeals will be so notified.

DATED at Denver, Colorado this 3<sup>rd</sup> day of June, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Zita L. Weinschenk". The signature is written in a cursive style with a horizontal line underneath it.

ZITA L. WEINSHIENK, Senior Judge  
United States District Court