

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02116-ZLW

RICHARD L. MONTOYA,

Applicant,

v.

KEVIN MILYARD, SCF Warden,
ARISTED [sic] ZAVARAS, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER TO CURE DEFICIENCY

Weinshienk, Senior Judge

Applicant submitted a Notice of Appeal on March 5, 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

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:

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 Trust Fund Statement not certified by a
prison official

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 9th day of March, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court