

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00958-BNB

QUINN MCKENZIE JEBE,

Applicant,

v.

COLORADO DEPARTMENT OF CORRECTIONS,
COLORADO STATE BOARD OF PAROLE, and
LIMON CORRECTIONAL FACILITY,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 05 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION
THAT NAMES PROPER RESPONDENT

Applicant, Quinn McKenzie Jebe, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Limon, Colorado, correctional facility. Mr. Jebe has submitted to the Court a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

The Court notes that Mr. Jebe fails to name his custodian as the Respondent in the 28 U.S.C. § 2241 application. The law is well-established that the only proper respondent to a habeas corpus action is the applicant's custodian. **See** 28 U.S.C. § 2243; Rule 2(a), Rules Governing Section 2254 Cases in the United States District Courts; and *Harris v. Champion*, 51 F.3d 901, 906 (10th Cir. 1995). Rule 1(b) of the Section 2254 Rules applies the rules to 28 U.S.C. § 2241 habeas corpus applications.

It appears that the warden of the Limon Correctional Facility is the proper Respondent in this action because Mr. Jebe alleges that he is incarcerated at that

facility. Therefore, Mr. Jebe will be directed to name the proper Respondent in the amended application he will be ordered to file. Accordingly, it is

ORDERED that Mr. Jebe file, **within thirty days from the date of this order**, an amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 that complies with this order. It is

FURTHER ORDERED that the clerk of the Court mail to Mr. Jebe, together with a copy of this order, two copies of the Court-approved form for filing an amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that if Mr. Jebe fails within the time allowed to file an amended application, as directed, the action will be dismissed without further notice.

DATED May 5, 2009, 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. 09-cv-00958-BNB

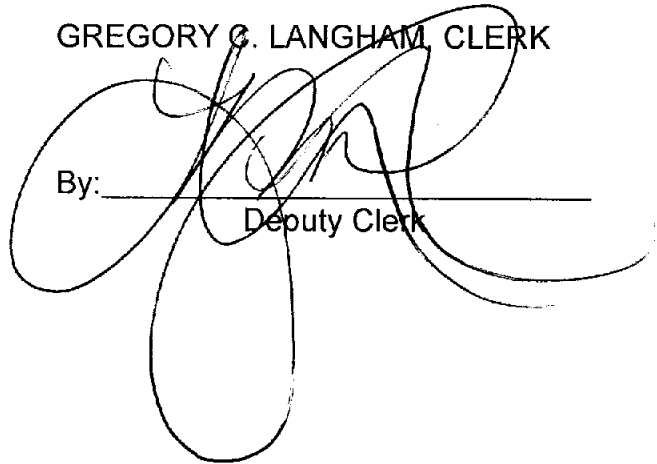
Quinn McKenzie Jebe
Prisoner No. 132709
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** form to the above-named individuals on 5/5/09

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line, extending significantly above and below it.