

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

Civil Action No. 10-cv-01208-BNB

TIMOTHY DOYLE YOUNG,

Petitioner,

v.

UNITED STATES,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 01 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Petitioner, Timothy Doyle Young, a federal prisoner currently housed in the State of Colorado, originally filed a 28 U.S.C. § 2241 action in the United States District Court for the Eastern District of New York. The Eastern District of New York determined that the action properly is filed in the United States District Court for the District of Colorado and entered an order that transferred the action to this Court.

Petitioner has submitted a Civil Cover Sheet, a document titled "Habeas Corpus 28 USC § 2241(c)(3)," an "Arbitration Certification," and a "Notice of Related Case." He has failed either to pay the \$5.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, this Court has determined that the submitted documents are deficient as described in this Order. Petitioner will be directed to cure the following if he wishes to pursue his claims. Any papers that Petitioner files in response to this Order must include the civil action number on this

Order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) is missing required financial information
- (5) is missing an original signature by the prisoner
- (6) is not on proper form (must use the Court's current form)
- (7) Names in caption do not match names in caption of complaint, petition or habeas 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, Petition or Application:

- (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 prisoner
- (13) is missing page nos. ____
- (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/Petitioner have not been received by the court.
- (17) Names in caption do not match names in text
- (18) Other _____

Accordingly, it is

ORDERED that Petitioner cure the deficiency designated above **within thirty (30) days from the date of this Order**. Any papers that Petitioner files in response to this Order must include the civil action number on the Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Petitioner, together with a copy of this Order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that if Petitioner fails to cure the designated deficiency **within thirty (30) days from the date of this Order** the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED June 1, 2010, 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. 10-cv-01208-BNB

Timothy Doyle Young
Reg. No. 60012-001
ADX – Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 6/1/10.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk