

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

**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

DEC - 9 2010

Civil Action No. 10-cv-02916-BNB

**(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)**

GREGORY C. LANGHAM  
CLERK

CECIL BYNUM,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

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**ORDER DIRECTING APPLICANT TO CURE DEFICIENCY**

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Applicant has submitted a "Notice of Writ of Habeas Corpus Pursuant to U.S.C.A. 28, 2254" "Designation of Record Pursuant to U.S.C.A. 28, 2254" and "Motion to File Without Payment of Filing Fee." As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted documents are deficient as described in this order. Applicant will be directed to cure the following if he wishes to pursue his claims. Any papers which the Applicant 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 certificate showing current balance in prison account
- (5)    \_\_\_    is missing required financial information
- (6)    \_\_\_    is missing an original signature by the prisoner

- (7)  is not on proper form (must use the court's current form)
- (8)  names in caption do not match names in caption of complaint, petition or habeas application
- (9)  An original and a copy have not been received by the court. Only an original has been received.
- (10)  other: Motion is necessary only if \$5.00 filing fee is not paid in advance.

**Complaint, Petition or Application:**

- (11)  is not submitted
- (12)  is not on proper form (must use the court's current form)
- (13)  is missing an original signature by the prisoner
- (14)  is missing page nos. \_\_\_
- (15)  uses et al. instead of listing all parties in caption
- (16)  An original and a copy have not been received by the court. Only an original has been received.
- (17)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18)  names in caption do not match names in text
- (19)  other: The only proper Respondent in a habeas corpus action is Applicant's current warden, superintendent, jailer or other custodian.

Accordingly, it is

**ORDERED** that the Applicant cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the 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 the Applicant, 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; Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. It is

**FURTHER ORDERED** that, if the Applicant fails to cure the designated deficiencies **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 December 9, 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-02916-BNB

Cecil Bynum  
Prisoner No. 49080  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 form** to the above-named individuals on December 9, 2010.

GREGORY C. LANGHAM, CLERK

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