

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

Civil Action No. 12-cv-00546-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.)

MEL BOMPREZZI,

Applicant,

v.

COLORADO DEPT. OF CORRECTIONS,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant has submitted a Letter and a pleading titled "Section 2254 Appeal." 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 noted deficiencies if he wishes to pursue his claims. Any papers that Applicant files in response to this Order must include the civil action number on this Order.

The Court also notes that Applicant requests the requirement to file his claims on a Court-approved form be waived. The Court finds no basis for waiving the requirement. Even if the Court were to waive the requirement, Applicant has failed to name the proper respondent to the application, which is the custodian of the facility where he currently is housed, or provide specific information regarding Case No.

05CR337 that is required on the § 2254 Court-approved form. Applicant also has not submitted a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. Therefore, Applicant will be directed to cure the deficiencies as follows.

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) 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) names in caption do not match names in text
- (16) addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) other: **Applicant's custodian must be named as a respondent**

Accordingly, it is

ORDERED that Applicant cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers which 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 shall send to Applicant two copies of the Court-approved forms used in filing a 28 U.S.C. § 2254 action and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a

Habeas Corpus Action. It is

FURTHER ORDERED that the Clerk of the Court shall also send a copy of Doc. No. 1 so that Applicant may use the document to complete the 28 U.S.C. § 2254 form. It is

FURTHER ORDERED that if Applicant fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED March 2, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge