

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

Civil Action No. 12-cv-02424-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.)

BRANDON MATTHEW FOSTER,

Applicant,

v.

[NO NAMED RESPONDENT],

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Brandon Matthew Foster, currently is detained at the Fremont County Detention Center in Cañon City, Colorado. Applicant initiated this case by submitting a Letter to the Court challenging his excessive bail and resulting detainment pending criminal proceedings. The Court, therefore, construes the action as filed pursuant to 28 U.S.C. § 2241. See *Jacobs v. McCaughtry*, 251 F.3d 596, 597-98 (7th Cir. 2001).

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. Applicant will be directed to cure the following 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.

Applicant also is instructed that pursuant to 28 U.S.C. § 2243 an application for writ of habeas corpus is directed to the person who has custody of the detained person.

Therefore, Applicant is directed to name as Respondent the custodian of the facility where he is incarcerated.

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:

- (1) is not submitted
- (2) is not on proper form (must use the Court's current form)
- (3) is missing an original signature by the prisoner
- (4) is missing page nos.
- (5) Uses et al. instead of listing all parties in caption
- (6) An original and a copy have not been received by the court. Only an original has been received.
- (7) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (8) Names in caption do not match names in text
- (9) Other _____

Accordingly, it is

ORDERED that the action is construed as filed pursuant to 28 U.S.C.

§ 2241. It is

FURTHER ORDERED that Applicant cure the deficiencies designated above **within thirty days from the date of this Order.** Any papers that Applicant files in response to this Order must include the civil action number on the Order. It is

FURTHER ORDERED that Applicant shall obtain the Court-approved 28 U.S.C. § 2241 Application form and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

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

DATED September 13, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge