

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

Civil Action No. 12-cv-02742-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.)

LEO SIMMONS,

Applicant,

v.

JAMES FALK, Warden, and
JOHN SUTHERS, Attorney General,

Respondents.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCY

Applicant, Leo Simmons, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the correctional facility in Sterling, Colorado. Mr. Simmons has submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

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. Mr. Simmons will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Simmons 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

- (4) period immediately preceding this filing is missing certified statement 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:

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:

Accordingly, it is

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

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

DATED October 16, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge