

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

Civil Action No. 12-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.)

VICTOR M. VENTURA,

Applicant,

v.

WARDEN JAMES FAULK, and
JOHN W. SUTHERS, The Attorney General of the State of Colorado,

Respondents.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCY

Applicant, Victor M. Ventura, is a prisoner in the custody of the Colorado Department of Corrections and currently is incarcerated at the correctional facility in Sterling, Colorado. Mr. Ventura has filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. 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. Ventura will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Ventura 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) X other: Although account statement is certified it does not show the current balance in Applicant's prison account as of the date he submitted this action.

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

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

DATED November 7, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge