

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00244-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.)

THERON JOHNNY MAXTON,

Petitioner,

v.

T. H. TOZZA RHODES, Warden, FCI-Florence, and
CHARLES SAMUELS, BOP Director, Washington D.C.,

Respondents.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Petitioner, Theron Johnny Maxton, is an inmate at the Federal Correctional Institution in Florence, Colorado. Mr. Maxton initiated this action by filing *pro se* in the United States District Court for the District of South Carolina a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Maxton has been granted leave to proceed *in forma pauperis*. In an order entered on January 30, 2013, the District of South Carolina transferred the action to this court.

As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that Mr. Maxton's petition is deficient because it is not filed on the proper form approved for use by prisoners in the District of Colorado. Mr. Maxton will be directed to cure this deficiency if he wishes to pursue his claims in this court in this action. Accordingly, it is

ORDERED that Mr. Maxton cure the deficiency identified in this order **within thirty (30) days from the date of this order**. It is

FURTHER ORDERED that Mr. Maxton shall obtain the court-approved Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 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 Mr. Maxton fails within the time allowed to cure the deficiency identified in this order, the action will be dismissed without further notice.

DATED January 31, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge