

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

Civil Action No. 13-cv-00776-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.)

CHARLES WILLIAM WIMBERLY,

Applicant,

v.

PHILLIP GUTIERREZ, Warden, Victorville Medium I, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Charles William Wimberly, is in the custody of the United States Bureau of Prisons and currently is incarcerated at the Victorville Medium I Federal Correctional Institution in Adelanto, California. Applicant has submitted a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by Person in State Custody and an Application for Pauper Status (28 U.S.C. § 1915(a)).

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 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.

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 **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: Applicant's claims challenge the execution of his sentence and more properly are raised in an action filed pursuant to 28 U.S.C. § 2241

Accordingly, it is

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 this Order. It is

FURTHER ORDERED that Applicant shall obtain the Court-approved forms used in filing a habeas corpus application pursuant to 28 U.S.C. § 2241 and a 28 U.S.C. § 1915 motion in a habeas corpus action (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 action will be dismissed without
further notice.

DATED March 28, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge