

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01826-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.)

JOSE APODACA,

Petitioner,

v.

[NO DEFENDANT/RESPONDENT NAMED],

Defendant.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Mr. Apodaca has submitted a Letter to the Court [Doc. #1] indicating that he wishes to challenge his state court criminal conviction. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted document is deficient as described in this order. Petitioner will be directed to cure the following if he wishes to pursue his claims. Any papers that the Petitioner 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 habeas application
- (9) other: Motion is necessary only if \$5.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (10) X is not submitted
- (11) X is not on proper form (must use the court's current form)
- (12) — is missing an original signature by the prisoner
- (13) — is missing page nos. —
- (14) — uses et al. instead of listing all parties in caption
- (15) — names in caption do not match names in text
- (16) — addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) — other: _____

Accordingly, it is

ORDERED that Mr. Apodaca cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the Petitioner files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the Petitioner shall obtain the court-approved Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action forms (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 the Petitioner fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the application and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED July 11, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge