

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

Civil Action No. 13-cv-03424-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.)

CHAD ANGLE,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Chad Angle is in the custody of the Colorado Department of Corrections and currently is incarcerated at the correctional facility in Sterling, Colorado. Mr. Angle initiated this action by filing a Motion to Proceed In Forma Pauperis and a Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255. A review of the Motion to Vacate shows that Applicant is challenging the validity of a State of Colorado criminal proceeding. The action, therefore, more properly is filed pursuant to 28 U.S.C. § 2254.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), 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.

In the Motion to Proceed In Forma Pauperis, Mr. Angle discusses his intent to file tort cases and his inability to pay the filing fee. If Mr. Angle intends to submit civil complaints he must do so in separate actions. The Court will not consider a habeas corpus application and a civil complaint in the same action.

Also, pursuant to 28 U.S.C. § 2243, an application for writ of habeas corpus is directed to the person who has custody of the detained person. Therefore, Mr. Angle is directed to name as Respondent the custodian of the facility where he is incarcerated along with the attorney general of the State of Colorado.

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 showing the current balance in Mr. Angle's prison account
- (4) the account statement showing the current balance in Mr. Angle's prison account is not certified
- (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 for filing 28 U.S.C. § 2254 actions)
- (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) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) names in caption do not match names in text

(18) ___ other:

Accordingly, it is

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

FURTHER ORDERED that Mr. Angle shall obtain the Court-approved form used in filing an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 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 Mr. Angle fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED December 19, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge