

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03478-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.)

ANDRES URIEL LUGO-GONZALEZ

Applicant,

v.

PEOPLE OF THE UNITED STATES,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Andres Uriel Lugo-Gonzalez, who is detained at the Denver Van Cise-Simonet Detention Center, has filed *pro se* a “Motion for Bail Hearing Under 36-ALF-887 Power to Admit Bail in Deportation/Removal Case.” It appears that Mr. Lugo-Gonzalez is challenging his detention. As part of the court’s review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the documents are deficient as described in this order. Mr. Lugo-Gonzalez will be directed to cure the following if he wishes to pursue his claims.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted (must use the court’s current form)
- (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 authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) names in caption do not match names in caption of complaint, petition or

- (9) xx habeas application
other: the notarized § 1915 motion and affidavit are necessary only if the \$5.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) ___ is not submitted
(12) xx 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) ___ names in caption do not match names in text
(17) ___ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
(18) xx other: the only proper Respondent in a habeas corpus action is the Applicant's current warden, superintendent, jailer or other custodian.

Accordingly, it is

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

FURTHER ORDERED that Mr. Lugo-Gonzalez shall obtain the court-approved Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Mr. Lugo-Gonzalez fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED January 2, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge