

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

Civil Action No. 13-cv-03492-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.)

ERIC KEITH CHAPMAN,

Applicant,

v.

WARDEN ARCHULETTA,

Respondent.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Applicant, Eric Keith Chapman, is a prisoner who is incarcerated at the Fremont Correctional Facility in Canon City, Colorado. Applicant, acting *pro se*, initiated this action by filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 noted above in the caption of 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 authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) is not on proper form (must use the court's motion pursuant to § 1915 habeas corpus form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Applicant may in the alternative pay the \$5.00 filing fee in advance.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the court's application for writ of habeas corpus § 2254 form, not the § 2241 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) other: Applicant's claims challenge the validity of his sentence and properly are asserted in an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

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 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 their 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 January 6, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge