

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

Civil Action No. 14-cv-00316-BNB

MICHAEL WAYNE BINGHAM,

Applicant,

v.

[NO NAMED RESPONDENT]

Respondent.

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**ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES**

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Applicant, Michael Wayne Bingham, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Colorado State Penitentiary in Cañon City, Colorado. He has submitted *pro se* a document titled "Affidavit of Truth" (ECF No. 1). As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the submitted document is deficient as described in this order. Applicant will be directed to cure the following if he wishes to pursue any claims in this court in this action. 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)   X   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)   X   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 complaint, petition or

- (9) X habeas application  
other: § 1915 motion and affidavit and certificate showing current balance in prison account only are necessary if \$5.00 filing fee is not paid in advance

**Complaint, Petition or Application:**

- (10)     is not submitted  
(11) X is not on proper 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) X other: The only proper Respondent in a habeas corpus action is Applicant's current warden, superintendent, jailer or other custodian.

Accordingly, it is

ORDERED that Applicant cure the deficiencies designated above **within thirty (30) 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 for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov), and use those forms in curing the designated deficiencies. It is

FURTHER ORDERED that, if Applicant 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 February 5, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge