

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00452-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.)

HORATIO DEMARIOUS SMITH,

Applicant,

v.

JOHN C. OLIVER,

Respondent.

AMENDED ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant filed *pro se* a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 in the United States District Court for the District of Pennsylvania. The action was transferred to this Court on February 21, 2014 because Applicant is incarcerated at USP-Florence, Colorado. Upon review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the documents are 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) xx 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) xx is missing certificate showing current balance in prison account
- (5) is missing required financial information
- (6) xx 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 current form)
- (9) ___ names in caption do not match names in caption of complaint, petition or habeas application
- (10) xx other: motion and supporting documents are necessary only if \$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 28 U.S.C. § 2241 form for challenging validity of conviction and sentence)
- (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: Must name current warden as Respondent.

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 a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (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 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 February 25, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge