

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

Civil Action No. 14-cv-00813-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.)

DARREN CONTRERAS,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Darren Contreras, is in the custody of the Colorado Department of Corrections (CDOC) and currently is incarcerated at the Arkansas Valley Correctional Facility in Crowley, Colorado. Applicant's counsel in a separate case, submitted this pleading for Applicant because Applicant claimed he was having difficulties sending the pleading to this Court. Applicant's pleading is titled, "Motion for Writ of Habeas Corpus (1303). Applicant asserts he is a member of an Indian tribe, there was a lack of jurisdiction by the entity that convicted him, and he seeks a release from the illegal detention under 25 U.S.C. § 1303.

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.

First, it is not clear if Applicant is challenging a State of Colorado conviction or a conviction entered by an Indian tribe. If Applicant is challenging his criminal conviction entered in Denver County, Colorado, Case No. 08CR3396, see CDOC website at Offender Search, the proper manner in which to challenge the conviction is by filing his claims on a 28 U.S.C. § 2254 Court-approved form once he has exhausted his state court remedies. Otherwise, if Applicant is challenging a different conviction entered by an Indian tribe, he must provide specific information to the Court stating the case number, the jurisdiction where the conviction was entered, the date he was convicted, if he is in tribal custody, and the reasons he is challenging the conviction.

Also, pursuant to 28 U.S.C. § 2243, a § 2254 application for writ of habeas corpus is directed to the person who has custody of the detained person. Therefore, Applicant 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 if he will be filing a § 2254 action.

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) the account statement showing the current balance in Applicant'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.

- (10) Only an original has been received.
other: In the alternative Applicant can pay the \$5 filing fee; must pay the fee or in the alternative submit a request to proceed § 1915 whether is filing pursuant to 25 U.S.C. § 1303 or 28 U.S.C. § 2254.

Complaint, Petition or Application:

- (11) is not submitted
(12) is not on proper form (must use the Court's current form if challenging a state conviction)
(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) An original and a copy have not been received by the court. Only an original has been received.
(17) Sufficient copies to serve each defendant/respondent have not been received by the court.
(18) names in caption do not match names in text
(19) other:

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 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 Applicant fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice. It is

FURTHER ORDERED that the Clerk of the Court is directed to enter Applicant's address on the Docket as noted on Page Seven of ECF No. 1, which is

the letter submitted to the Court by the law firm that is representing Applicant in a separate case.

DATED March 20, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge