

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00868-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.)

ARI BAILEY,

Petitioner,

v.

DAVID J. EBBERT, Warden,

Respondent.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Petitioner is in the custody of the federal Bureau of Prisons and is incarcerated at USP-Florence, Colorado. He initiated this action by filing *pro se* in the United States District Court for the Middle District of Pennsylvania a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1-1) and an Application to Proceed in District Court without Prepaying Fees or Costs (ECF No. 1-2). On November 22, 2013, the Middle District of Pennsylvania entered an order transferring the action to the District of Colorado. (ECF No. 1). The action was docketed in this Court on March 25, 2014.

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. Petitioner will be directed to cure the following if he wishes to pursue his claims. Any papers that Petitioner files in response to this order must include the civil action number on 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) xx 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) xx 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) other: _____.

Complaint, Petition or Application:

- (11) is not submitted
- (12) xx is not on proper form (must use the court's current form for filing a § 2241 Application)
- (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: Petitioner must name his current warden as the Respondent.

Accordingly, it is

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

FURTHER ORDERED that Petitioner shall obtain the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms (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 Petitioner's Motion for Clarification . . . (ECF No. 5) is

DENIED as moot. It is

FURTHER ORDERED that, if Petitioner 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 March 31, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge