

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

Civil Action No. 14-cv-01294-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.)

WILLIAM LEE LORNES, also known as
WILLIAM LEE LORNES the III, also known as
WILLIAM, named as
HERNANDEZ/SHAFFER,

Applicant,

v.

[NO NAMED RESPONDENT],

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, William Lee Lornes, named as Hernandez/Shaffer, also known as William Lee Lornes the III and William, currently is incarcerated at the Denver County Jail. The caption of this order has been corrected to include his aliases. The clerk of the Court will be directed to correct the docketing records for this case to include Mr. Lornes' aliases.

Mr. Lornes submitted to the Court *pro se* on May 7, 2014, a pleading titled Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (ECF No. 1), an Inmate Motion Requesting to File Without Prepayment of Filing/Service Fees Pursuant to § 13-17.5-103, C.R.S. (ECF No. 2), and tendered a document titled "Finding and Order Concerning Inmate Motion Requesting Waiving Prepayment of Filing/Service Fees" (ECF No. 3).

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 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 habeas application
- (9) ☐ An original and a copy have not been received by the court. Only an original has been received.
- (10) ☒ other: Instead of filing a § 1915 motion and affidavit and certificate showing his current balance Mr. Lornes may pay the \$5.00 filing fee for a habeas corpus action.

Complaint, Petition or Application:

- (11) ☐ is not submitted
- (12) ☒ is not on proper form (must use the court's current 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) ☐ 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: Hernandez/Shaffer is named as Applicant instead of Mr. Lornes; also, the only proper Respondent in a habeas corpus action is Applicant's current warden, superintendent, jailer or other custodian.

Accordingly, it is

ORDERED that the clerk of the Court add William Lee Lornes III and William, the aliases for William Lee Lornes, to the docketing records for this case. It is

FURTHER 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 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. 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 May 8, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge