

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

Civil Action No. 14-cv-01295-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.)**

RAYMOND LARA,

Applicant

v.

PEOPLE OF THE UNITED STATES,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Raymond Lara, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Limon Correctional Facility in Limon, Colorado. Applicant has submitted a request asking that the Court toll the one-year limitation period for filing his 28 U.S.C. § 2254 action in this Court. The request will be denied without prejudice because Applicant cites no authority that would allow the Court to toll the one-year limitation period to file a habeas corpus action. However, the instant action has been commenced because it appears that Applicant intends to seek federal habeas corpus relief.

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 his claims. 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 certified statement 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 used in filing habeas actions)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) is missing authorization to calculate and disburse filing fee payments
- (10) X other: Motion and supporting documents are necessary only if \$5.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) X 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) names in caption do not match names in text
- (17) A addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petitioner or habeas application
- (18) 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 used in filing a 28 U.S.C. § 2254 application and a 28 U.S.C. § 1915 motion in a habeas action, if necessary, (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 (30) days from the date of this Order** the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED May 8, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge