

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

Civil Action No. 14-cv-01419-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.)**

DEJUAN B. THORNTON-BEY,

Applicant,

v.

D. BERKEBILE,

Respondent.

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**ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES**

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Applicant, DeJuan B. Thornton-Bey, currently is incarcerated at the United State Penitentiary, Florence ADMAX, in Florence, Colorado. Applicant originally initiated this action by filing *pro se* two documents titled “Writ of Habeas Corpus” (ECF No. 1) and “Filing Fee” (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 on this Order.

**Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

1. X is not submitted
2. X is not on proper form (must use the Court’s current form)
3.    is missing original signature by Applicant
4.    is missing affidavit
5.    affidavit is incomplete

- 6.  is missing certificate showing current balance in prison account
- 7.  names in caption do not match names in caption of complaint, petition or application
- 8.  other: 1915 motion and affidavit and certificate of prison account statement is not necessary if \$5.00 fee is paid in advance. The Court denies Mr. Thonron-By's request to pay the \$5.00 filing fee from \$13.00 that was paid to the Court in case no. 11-cv-02927-LTB as an initial partial filing fee.

**Complaint or Petition:**

- 9.  is not submitted
- 10.  is not on proper form (must use the Court's current form)
- 11.  is missing an original signature by the Applicant
- 12.  is incomplete
- 13.  uses et al. instead of listing all parties in caption
- 14.  names in caption do not match names in text of Complaint
- 15.  addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- 16.  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 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. § 2241, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). The forms must be used to cure the above noted deficiencies.

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 21, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge