

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

Civil Action No. 14-cv-01507-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.)

M. GARBACZ,

Applicant,

v.

[NO NAMED RESPONDENTS],

Respondents.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, M. Garbacz, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Fremont Correctional Facility in Cañon City, Colorado. Applicant originally initiated this action by filing *pro se* a pleading titled, “Writ of Habeas Corpus Emergency” regarding his alleged illegal incarceration and pending extradition to Florida.

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.

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

- (1) is not submitted
- (2) 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) affidavit is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) other:

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 used in filing a habeas action (either a 28 U.S.C. § 2241 if challenging presentence or execution of conviction and sentence or a 28 U.S.C. § 2254 if challenging a sentence and conviction) and 28 U.S.C. § 1915 motion and affidavit used when requesting leave to proceed *in forma pauperis* in filing a habeas action, along with the applicable instructions, at 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 30, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge