

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

Civil Action No. 14-cv-01747-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.)**

RANDY KAILEY,

Applicant,

v.

THEODORE "TED" MINK, Sheriff, Jefferson County, Colorado, Sheriff's Department,  
and  
PETER A. WEIR, District Attorney,

Respondents.

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**ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES**

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Applicant has submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action. Applicant challenges his bail and delay in adjudicating the charges pending against him. The Court construes the instant habeas corpus action as more properly asserted pursuant to 28 U.S.C. § 2241.

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. 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)     \_\_\_ 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 certified account statement does not show current balance in prison account as of date action was initiated

- (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) ☐ other:.

**Complaint, Petition or Application:**

- (10) ☐ is not submitted
- (11) ☒ is not on proper form (must use the Court-approved form used for filing § 2241 actions in this Court)
- (12) ☐ is missing an original signature by the prisoner
- (13) ☐ is missing page nos. \_\_\_\_
- (14) ☐ uses et al. instead of listing all parties in caption
- (15) ☐ names in caption do not match names in text
- (16) ☐ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) ☐ other: \_\_\_\_\_

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 Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 form, (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://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.

DATED June 24, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge