

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02550-BNB

JESSE ROSS REED,

Petitioner,

v.

[NO NAMED RESPONDENT],

Respondent.

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**ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES**

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Petitioner, Jesse Ross Reed, is currently detained by the San Miguel County Sheriff. He has filed, *pro se*, a “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody” (ECF No. 1). In the Petition, Mr. Reed challenges the legality of his arrest and detention pending a state court trial. Petitioner has paid the \$5.00 filing fee applicable to habeas corpus actions.

Mr. Reed may challenge the legality of his pre-trial contention in an application for habeas corpus relief pursuant to 28 U.S.C. § 2241. See *Yellowbear v. Wyo. Att’y Gen.*, 525 F.3d 921, 924 (10th Cir. 2008); *Walck v. Edmondson*, 472 F.3d 1227, 1235 (10th Cir. 2007). However, 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. Petitioner may be directed to cure the following if he wishes to pursue his claims. Any papers that Petitioner 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) ☐ is missing certificate showing current balance in prison account
- (5) ☐ is missing required financial information
- (6) ☐ is missing authorization to calculate and disburse filing fee payments
- (7) ☐ is missing an original signature by the prisoner
- (8) ☐ is not on proper form
- (9) ☐ names in caption do not match names in caption of complaint, petition or habeas application
- (10) ☐ other:

**Complaint, Petition or Application:**

- (11) ☐ is not submitted
- (12) ☒ is not on proper form (must use the court's current form for filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241)
- (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) ☐ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (18) ☒ other: Petitioner must name his custodian as the Respondent.

Accordingly, it is

ORDERED that Petitioner cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that Petitioner files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the clerk of the court is directed to mail to Petitioner a copy of the court-approved form for filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Mr. Reed 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 September 16, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge