

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

Civil Action No. 14-cv-02688-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.)**

KRISTOPHER BRACKIN,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

---

**ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES**

---

Applicant, Kristopher Brackin, currently is detained at the Fremont County Detention Center in Cañon City, Colorado. Applicant initiated this action by filing *pro se* a pleading titled, "Motion to Sentencing Reconsideration (35(b) Reconsideration." Applicant asks that this Court direct the Eleventh Circuit Court in Cañon City, Colorado to address Applicant's request for reconsideration of his sentence. Applicant is challenging the validity of his sentence. Because Applicant is challenging the validity of his sentence the Court will construe the Motion as a 28 U.S.C. § 2254 application.

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: In the alternative Applicant may pay the \$5 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 used in filing a 28 U.S.C. § 2254 action and a 28 U.S.C. § 1915 motion and affidavit used when requesting leave to proceed *in forma pauperis* in filing a habeas action, (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). 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 October 1, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge