

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02698-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.)

LAVERN BARRON,

Petitioner,

v.

THE PEOPLE OF THE STATE OF COLORADO, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Petitioner, Lavern Barron, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Arkansas Valley Correctional Facility, in Ordway, Colorado. He has submitted *pro se* a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (ECF No. 1). 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 will be directed to cure the following if he wishes to pursue any claims in this court in this action. 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 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
- (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: The People of the State of Colorado is not a proper respondent to this action. Petitioner must name in the Application the warden of the facility where he is incarcerated.

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 Applicant shall obtain the court-approved form for filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (if Petitioner is challenging the validity of a state court conviction or sentence) or an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. 2241 (if Petitioner is challenging the execution of a state court sentence) (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov, and use that form in curing the designated deficiencies. 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. The dismissal shall be without prejudice.

DATED October 2, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge