

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02999-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.)

MORRIS PARDUE,

Petitioner,

v.

[NO RESPONDENT NAMED],

Respondent.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Petitioner, Morris Pardue, is in the custody of the Federal Bureau of Prisons at the Federal Correctional Institution in Florence, Colorado. He initiated this action by filing a Motion for Judicial Recommendation Pursuant to the Second Chance Act of 2007 (ECF No. 1-1) in the Western District of Texas. The Western District of Texas construed the motion as a request for relief pursuant to 28 U.S.C. § 2241, and transferred the case to the District of Colorado, where Mr. Pardue is incarcerated. (ECF Nos. 1, 1-2). Because Mr. Pardue is challenging the execution of his federal sentence, an action has been commenced under 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 document is deficient as described in this order. Petitioner will be directed to cure the following if he wishes to pursue his claims. If Petitioner does not intend to pursue a habeas corpus action in this court at this time, he should advise the court of that fact

and the instant action will be dismissed. 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 (must use the court's current form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: motion and supporting documents are necessary only if \$5.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form
- (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: §2241 Application must name the Petitioner's present 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 Petitioner shall obtain the court-approved forms for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C.

§ 1915 in a Habeas Corpus Action and Application for a Writ of Habeas Corpus

Pursuant to 28 U.S.C. § 2241 (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Petitioner 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 November 6, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge