

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

Civil Action No. 14-cv-03012-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.)

ARVELL HORTON, JR.,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, a Colorado state prisoner, has submitted to the court a Motion to Dismiss and Relief From Final Judgment (ECF No. 1). Although Applicant provides a criminal case number on the motion, Applicant is not a party to the criminal case he references and the court's records do not indicate that Applicant is a party to any criminal case in this court. Although not entirely clear, Applicant may intend to challenge a state court criminal conviction. Therefore, this habeas corpus action has been commenced. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the motion is deficient as described in this order.

Applicant will be directed to cure the following if he wishes to pursue his claims. If Applicant 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 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) 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: _____.

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 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. § 2254 forms (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 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 November 6, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge