

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

Civil Action No. 14-cv-03384-GPG

(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.)

ALEXANDER BROWN,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Alexander Brown is detained at the Arapahoe County Detention Facility in Centennial, Colorado. Mr. Brown has submitted a Complaint that challenges his due process rights in a state criminal case. As relief, Mr. Brown has requested that the Court find the prosecution has violated his rights to due process and to a fair trial and that he be allowed to prepare an adequate defense. Mr. Brown further asserts that the trial in his state criminal proceeding is scheduled to begin on January 26, 2015.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the submitted documents are deficient as described in this Order. Mr. Brown will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Brown files in response to this Order must include the civil action number on this Order.

The Court, also finds that Mr. Brown is challenging the validity of a pending criminal proceeding. To the extent he is able to proceed with these claims, they should

be raised in a 28 U.S.C. § 2254 action. The Court, therefore, construes this action as filed pursuant to § 2254.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted
- (2) is missing affidavit
- (3) is missing a certified prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) is missing a certified account statement showing the current balance in Mr. Brown's prison account is not certified
- (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) An original and a copy have not been received by the court. Only an original as been received.
- (10) other: **In the alternative Mr. Brown may pay the \$5 filing fee.**

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the Court's current form used in filing 28 U.S.C. § 2254 actions)
- (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) other:

Accordingly, it is

ORDERED that Mr. Brown cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Mr. Brown files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Brown shall obtain the Court-approved form used in filing an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in 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. It is

FURTHER ORDERED that if Mr. Brown fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED December 16, 2014, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge