

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00024-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.)

CHRISTABLE E. SEYMORE,

Petitioner,

v.

CLERK OF DENVER COUNTY COURT,
D.A.,
KAREN MCGOVERN, Public Defender, and
JUDGE'S,

Respondents.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Petitioner, Christable E. Seymore, is detained at the Denver County Jail. He has submitted a "Motion" (ECF No. 1), in which he appears to challenge a sentence imposed by the Denver District Court in a state criminal action. The Court has opened this case under 28 U.S.C. § 2254. See *McIntosh v. United States Parole Comm'n*, 115 F.3d 809, 811 (10th Cir. 1997) ("Petitions under § 28 U.S.C. § 2254 habeas and § 2255 proceedings are used to collaterally attack the validity of a conviction and sentence."). 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. Petitioner will be directed to cure the following if he wishes to pursue his claims. 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 account statement showing the current balance in Petitioner's 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) An original and a copy have not been received by the court. Only an original has been received.
- (10) other: Petitioner may pay the \$5.00 filing fee in lieu of filing a § 1915 motion and affidavit.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the Court's current 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) An original and a copy have not been received by the court. Only an original has been received.
- (17) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18) names in caption do not match names in text
- (19) other: Petitioner must name his current custodian as the respondent in a § 2254 proceeding.

Accordingly, it is

ORDERED that Petitioner cure the deficiencies designated above **within thirty 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 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 Corpus 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 Petitioner fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED January 6, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge