

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

Civil Action No. 15-cv-00082-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.)

ARTHUR JA GRIFFIN, JR.,

Petitioner,

v.

STATE OF COLORADO,
LODO,
DENVER COUNTY,
STATE PROTECTED WITNESS,
DIRECTOR-COLO. COALITION FOR HOMELESS-PATH-PROGRAM, and
DENVER DISTRICT ATTORNEYS,

Respondents.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

On January 12, 2015, Petitioner submitted to the Court a pleading titled, "Written Request for Review of Declaratory Order of State Personnal [sic] Board C.A.R.:(2) Pending Cases # 14CR06327 Pretrial Proceeding Date 01/07/2015 Affirmative Defense," ECF No. 1. The purpose of the Request is not clear. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the documents are deficient as described in this Order.

Because it is not clear whether the action is a challenge to the validity of Applicant's conviction and sentence, which is addressed in a § 2254 action, or a challenge to the execution of his sentence, which is addressed in a § 2241 action, the

Court will direct Petitioner to cure the deficiencies as stated below. 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
- (9) ☐ names in caption do not match names in caption of complaint, petition or habeas application
- (10) ☒ other: If Petitioner is seeking habeas relief he must file the 28 U.S.C. § 1915 motion and affidavit that is used in filing a habeas action

Complaint, Petition or Application:

- (11) ☐ is not submitted
- (12) ☒ is not on proper form (Petitioner may find the Court-approved forms at www.cod.uscourts.gov.)
- (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 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 proper forms, depending on the type of action Petitioner intends to file, and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form used in filing a habeas action if he intends to file 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. Petitioner must use the Court-approved forms when curing the deficiencies. 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 13, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge