

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00437-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.)**

RYAN SEPOLEN,

Applicant,

v.

WALT PESTERFIELD, Executive Director of Parole,

Respondent.

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ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES AND  
FILE AMENDED APPLICATION

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Applicant, Ryan Sepolen, currently is detained at the Denver County Jail. He submitted *pro se* an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) and has paid the \$5.00 filing fee. 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. Applicant will be directed to cure the following if he wishes to pursue any claims in this court in this action. 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 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)    \_\_\_    other:

**Complaint, Petition or Application:**

- (10)   \_\_\_    is not submitted
- (11)   \_\_\_    is not on proper form
- (12)   \_\_\_    is missing an original signature by the prisoner
- (13)   \_\_\_    is missing page nos. \_\_\_
- (14)   \_\_\_    uses et al. instead of listing all parties in caption
- (15)   \_\_\_    names in caption do not match names in text
- (16)   \_\_\_    addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17)   X    other: The only proper Respondent in a habeas corpus action is Applicant's current warden, superintendent, jailer or other custodian.
- (18)   X    other: The amended application, whether handwritten or typed, must be legible and written in capital and lower case letters in compliance with Rule 10.1 of the Local Rules of Practice for this Court.

Accordingly, it is

ORDERED that Applicant cure the deficiencies designated above and file an amended application that complies with this order **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 form for filing an Application for 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](http://www.cod.uscourts.gov), and use that form in curing the designated deficiencies and filing the amended application. It is

FURTHER ORDERED that, if Applicant fails to cure the designated deficiencies

and file an amended application that complies with this order **within thirty (30) days from the date of this order**, the application may be denied and the action dismissed without further notice. The dismissal shall be without prejudice.

DATED March 3, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher  
GORDON P. GALLAGHER  
United States Magistrate Judge