

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

Civil Action No. 15-cv-00453-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.)

DARIN S. WHATLEY,

Applicant,

v.

TRAVIS TRANI, Warden, and
ATTORNEY GENERAL, STATE OF COLORADO,

Respondents.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, a Colorado state prisoner, has submitted to the court a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (ECF No. 1). Because it appears that Applicant intends to seek habeas corpus relief, 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 document 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) xx 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) xx other: motion and supporting documents are necessary only if \$5.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) xx 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 and submit on the proper form an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov and submit a certified copy of his prison trust fund statement showing the current balance. 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 March 4, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge