

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

Civil Action No. 15-cv-01580-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.)

DERRICK E. TURNER,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,
RAY ARCHULETA, Warden
CYNTHIA COFFMAN, The Attorney General of the State of Colorado

Respondents.

ORDER TO CURE DEFICIENCIES

Applicant is a prisoner, currently incarcerated at the Fremont Correctional Facility in Canon City, Colorado. On July 24, 2015, Mr. Turner, submitted a *pro se* Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. (ECF No. 1). The same day, he also submitted a Motion for Order to Hold in Abeyance. (ECF No. 3).

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

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

(1) X 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 (Must use Court-approved form revised January 2015)
- (9) ___ names in caption do not match names in caption of complaint, petition or habeas application
- (10) ___ other: _____

Complaint, Petition or Application:

- (11) ___ 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) X other: Application is incomplete. "Timeliness" and "Prior Applications" sections should be completed. Applicant's signature should also include a date. The only proper Respondents in a § 2254 Application are the Warden and the State Attorney General, not the People of the State of Colorado. And, finally, the Application should be submitted with the pages in the correct order.

Accordingly, it is

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

FURTHER ORDERED that Mr. Turner shall obtain the Court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action form, along with the applicable instructions, at www.cod.uscourts.gov. It is

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

DATED July 27, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge