

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

Civil Action No. 15-cv-02006-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.)

TRAVIS BROWN,

Applicant,

v.

BENT COUNTY CORRECTIONAL FACILITY,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

On September 14, 2015, Applicant Travis Brown submitted to the Court an Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody, ECF No. 1. Applicant also paid the \$5 filing fee. Upon review of the Application, the Court finds that Applicant asserts only one claim, which appears to be a challenge to the validity of his conviction. The Application, therefore, more properly is filed pursuant to 28 U.S.C. § 2254, which is the proper action if an applicant is challenging the validity of a state criminal action.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the filings are 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.

Applicant also is instructed that pursuant to 28 U.S.C. § 2243 an application for writ of habeas corpus is directed to the person who has custody of the detained person. Therefore, Applicant is directed to name as Respondent the custodian of the facility where he is incarcerated.

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:

Complaint, Petition or Application:

- (11) ___ is not submitted
- (12) X is not on proper Court-approved 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: Applicant is directed to provide all requested information in the proper Court-approved form.

Accordingly, it is

ORDERED that Applicant cure the deficiencies designated above **within thirty 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 proper Court-approved form for filing a 28 U.S.C. § 2254 action, (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. Applicant must use a Court-approved form when curing the deficiencies. It is

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

DATED September 15, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge