

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

Civil Action No. 15-cv-02402-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.)

UNITED STATES ARMY,

Plaintiff,

v.

EDWIN MARK ACKERMAN,

Defendant.

ORDER DIRECTING MR. ACKERMAN TO CURE DEFICIENCIES

Edwin Mark Ackerman, a state prisoner incarcerated at the Colorado Territorial Correctional Facility in Cañon City, Colorado, initiated this action by filing *pro se* a pleading titled, "Petition for Transfer of Custody," ECF No. 1. Mr. Ackerman appears to challenge a detainer that has been lodged against him. A challenge to a detainer normally is filed pursuant to 28 U.S.C. § 2241.

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

Mr. Ackerman is reminded that in *Ackerman v. Zupan, et al.*, No. 14-cv-03168-LTB (D. Colo. Feb. 2, 2015), he was warned that if he filed any future actions that raise the same meritless claims, as were raised in Case No. 13-cv-03487-RM, he may be ordered to show cause why this Court should not summarily dismiss such an action and impose sanctions.

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

- (1) is not submitted
- (2) is missing affidavit
- (3) is missing a certified prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) is missing a certified account statement showing the current balance in Mr. Ackerman's prison account is not certified
- (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) An original and a copy have not been received by the court. Only an original has been received.
- (10) other: In the alternative Mr. Ackerman may pay the \$5 filing fee.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the Court's current 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) An original and a copy have not been received by the court. Only an original has been received.
- (17) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18) names in caption do not match names in text
- (19) other:

Accordingly, it is

ORDERED that Mr. Ackerman cure the deficiencies designated above **within thirty days from the date of this Order** if he desires to proceed with a 28 U.S.C. § 2241.

Any papers that Mr. Ackerman files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Ackerman shall obtain the Court-approved form used in filing an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

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

DATED October 29, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge