

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

Civil Action No. 16-cv-00027-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.)

RONALD M. COX,

Applicant,

v.

COLORADO DEPARTMENT OF ADULT PAROLE DIVISION,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

On January 6, 2015, Ronald M. Cox submitted to the Court a “Motion to Retain Nun-Pro Tunc Time,” ECF No. 1. Upon review of the Motion, the Court finds that Applicant possibly is challenging the execution of a state criminal sentence. The only proper avenue to challenge the execution of a state criminal proceeding in this Court is by filing a habeas corpus action pursuant to 28 U.S.C. § 2241. The Court, therefore, will construe the action as filed pursuant to § 2241.

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. Mr. Cox will be directed to cure the following if he wishes to pursue any claims in this Court in this action. Any papers that Mr. Cox 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 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: In the alternative, Mr. Cox can pay the \$5 filing fee .

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) other:

Accordingly, it is

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

FURTHER ORDERED that Mr. Cox shall obtain the proper forms, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action and 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. Mr. Cox must use a Court-approved form when curing the deficiencies. It is

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

DATED January 7, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge