

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

Civil Action No. 16-cv-209-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.)

SHERRY ANN TYSON,

Applicant,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Sherry Ann Tyson, is currently detained at the Jefferson County Detention Facility in Golden, Colorado. On January 25, 2016, she submitted *pro se* a “Petition for a Writ of Habeas Corpus Ad Prosequendam” (ECF No. 1). 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. Plaintiff will be directed to cure the following if she wishes to pursue any claims in this action. Any papers that Plaintiff 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) X 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: motion and supporting documents are necessary only if the \$5.00 fee is not paid in advance.

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: The date by Applicant’s signature must be the date the document was signed, not the Applicant’s date of birth.

It is unclear what relief the Applicant is seeking. If she is seeking a review of a state court conviction, she must submit an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 on the current court-approved form, which can be found, along with the applicable instructions, on the court’s website at www.cod.uscourts.gov.

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 if Applicant is seeking to challenge her state court conviction, she shall obtain the court-approved Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 form (with the assistance of her case manager or the facility’s legal assistant), along with the applicable instructions, at www.cod.uscourts.gov and use that form to cure the deficiency. If Applicant is seeking different relief, she must file the appropriate form and properly assert her claims. 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 February 1, 2016, at Denver, Colorado.

BY THE COURT:
s/ Gordon P. Gallagher
United States Magistrate Judge