

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00506-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.)

EUGENE CARL HATHAWAY,

Applicant,

v.

JACK FOX, Warden ADX,
BUREAU OF PRISONS,
EDWARD F. REILLY, Chairman of United States Parole Commission,
THOMAS N. FAUST, Director, Department of Corr. District of Columbia,

Respondents.

SECOND ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

On March 11, 2016, Applicant, Eugene Carl Hathaway, filed *pro se* an Amended Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 8).

Then, on March 14, 2016, he submitted a Letter to the Court explaining that his Amended Application contained an incorrect page 5, and he attached to his Letter a different version of page 5 that he would like the Court to consider with his Amended Application. (ECF No. 9).

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

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) 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) other: A complete Amended Application must be submitted with all pages. This court and the Respondents will not search for -- and then merge together -- separate pages filed at different times.

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 an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, (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 the 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 April 25, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge