

FILED
UNITED STATES DISTRICT COURT
DENVER, COLO.

NOV 29 2006

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

06 - CV - 02378 - BNB

Civil Action No. _____

(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.)

TERRANCE L. MOORE,

Plaintiff,

v.

H.A. RIOS, JR., Warden, and
FEDERAL BUREAU OF PRISONS,

Defendants.

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND
DIRECTING PLAINTIFF TO CURE DEFICIENCY**

Plaintiff has submitted a document titled "Prisoner's Motion for Intervention by a United States District Court to Order Remedy and/or Protection from Imminent Risk of Death or Bodily Harm of Prisoner by Staff Administrators; Alternatively, a Motion for Court Intervention to Disturb B.O.P. Officials Intent to Commit Murder of a Federal Prisoner." He has failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the submitted document is deficient as described in this Order. Notwithstanding the deficiencies, the Court will construe the Motion as a Prisoner Complaint filed pursuant to ***Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics***, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 and direct Plaintiff to file proper forms.

The Clerk of the Court will be directed to commence a civil action. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which the Plaintiff files in response to this Order must include the civil action number on the Order. The Clerk of the Court also will be directed to send a copy of the instant Order and of Plaintiff's filing to Warden H. A. Rios so that prison officials may assist Plaintiff in complying with 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 required financial information
- (5) ☐ is missing an original signature by the prisoner
- (6) ☐ is not on proper form (must use the court's current form)
- (7) ☐ names in caption do not match names in caption of complaint, petition or habeas application
- (8) ☐ An original and a copy have not been received by the court. Only an original has been received.
- (9) ☒ other: motion is necessary only if filing fee is not paid in advance.

Complaint, Petition or Application:

- (10) ☒ is not submitted
- (11) ☐ is not on proper form (must use the court's current form)
- (12) ☐ is missing an original signature by the prisoner
- (13) ☐ is missing page nos. ____
- (14) ☐ uses et al. instead of listing all parties in caption
- (15) ☐ An original and a copy have not been received by the court. Only an original has been received.
- (16) ☐ Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) ☐ names in caption do not match names in text
- (18) ☐ other _____

Accordingly, it is

ORDERED that the Clerk of the Court commence a civil action in this matter. It is

FURTHER ORDERED that Plaintiff's Motion is construed as a Prisoner Complaint filed pursuant to ***Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics***, 403 U.S. 388 (1971) and 28 U.S.C. § 1331. It is

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

FURTHER ORDERED that the Clerk of the Court mail to Plaintiff, together with a copy of this Order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915; Prisoner Complaint. It is

FURTHER ORDERED that, if the Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice. The dismissal shall be without prejudice. It is

FURTHER ORDERED that a copy of the instant Order and a copy of Plaintiff's filing submitted to the Court on November 17, 2006, shall be sent to Warden H.A. Rios at USP Florence, P.O. Box 7500, Florence, CO 81226, so that prison officials may assist Plaintiff in complying with the Court's Order.

DATED at Denver, Colorado, this 28th day of November, 2006.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING


Civil Action No. **06 - CV - 02378** -BNA

Terrance L. Moore
Reg. No. 17644056
USP - Florence
PO Box 7000
Florence, CO 81226

Warden H.A. Rios, Jr.
USP - Florence
PO Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals, **and two copies of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and Prisoner Complaint to Mr. Moore a copy of the filing submitted 11/17/06** on 11/29/06

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk