

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 23 2007

GREGORY C. LANGHAM  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07 - CV - 00586 -BNB  
(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.)

MILTON ANGELO PAPPAS,

Plaintiff,

v.

UNITED STATES PENITENTIARY FLORENCE OFFICIALS,

Defendant.

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ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND  
DIRECTING MR. PAPPAS TO CURE DEFICIENCIES

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Randy L. Bridges, a federal prisoner, has submitted a document titled "Motion Requesting an Evidentiary Hearing and Qui-Temit Injunction Order." 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 below. Notwithstanding the deficiencies, the Clerk of the Court will be directed to commence a civil action.

Mr. Bridges has submitted the Motion on behalf of Mr. Pappas. The claims in the Motion more appropriately are dealt with in a *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), action, and should be submitted on a Prisoner Complaint form.

As a lay person, Mr. Bridges "may not participate in the unauthorized practice of law" by filing actions on behalf of another "in violation of state and federal provisions

governing the practice of law.” **Weber v. Garza**, 570 F.2d 511, 514 (5<sup>th</sup> Cir. 1978).

Therefore, the following listed deficiencies must be cured by Mr. Pappas. Any papers which are filed in response to this Order must include the civil action number on the Order.

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

- (1)  Is not submitted
- (2)  Is missing affidavit
- (3)  Is missing certified copy of Mr. Pappas’s trust fund statement for the 6-month period immediately preceding this filing
- (4)  Is missing required financial information
- (5)  Motion must have an original signature by Mr. Pappas
- (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 \_\_\_\_\_

**Complaint, Petition or Application:**

- (10)  Is not submitted
- (11)  Is not on proper form (must use the Court’s current form)
- (12)  Complaint must have an original signature by Mr. Pappas
- (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 the instant action is construed as a **Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics**, 403 U.S. 388 (1971). It is

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

FURTHER ORDERED that the Clerk of the Court mail to Mr. Bridges for Mr. Pappas, 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 Mr. Pappas fails to cure the designated deficiencies **within thirty days from the date of this Order**, the Complaint and action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 22<sup>d</sup> day of March, 2007.

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. **07 - CV - 00586** -BNB

Milton A. Pappas  
Reg. No. 13625-112  
USP - Florence  
PO Box 7000  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and a Prisoner Complaint** to the above-named individuals on 3/23/07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk