

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01297-BNB

MALACHI Z. YORK, also known as  
DWIGHT YORK,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendants.

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ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

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Plaintiff, Malachi Z. York, also known as Dwight York, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He submitted to the Court *pro se* a civil rights complaint pursuant ***Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics***, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (1993) seeking money damages and injunctive relief. Mr. York did not sign the complaint. Rather the complaint bears an unreadable signature by a person designated as his "POA," presumably power of attorney. Paralegal Professionals, Inc., paid the \$350.00 filing fee in this action. Zenitra Cross of Paralegal Professionals, Inc., has filed requests to expedite Mr. York's emergency medical transfer and for service by the United States Marshal Service.

The person designated as Mr. York's power of attorney lacks standing to represent him in this action. ***See Meeker v. Kercher***, 782 F.2d 153, 154 (10th Cir.

1986) (per curiam). Under Fed. R. Civ. P. 17(c) and 28 U.S.C. § 1654 (1994), Mr. York has the right to represent himself but he does not have the right to have a person designated as his power of attorney bring suit if the designee is not represented by an attorney. The person designated as Mr. York's power of attorney is not represented by an attorney. Therefore, the designee may not represent Mr. York in this action.

Assuming that Mr. York wishes to proceed *pro se*, he will be ordered to file an amended complaint that only he signs. If Mr. York wishes to file a request to expedite his case, only he may sign the request, unless he is represented by an attorney. Ms. Cross of Paralegal Professionals, Inc., may not sign such a request because she also is not represented by an attorney. Accordingly, it is

ORDERED that Plaintiff Malachi Z. York, also known as Dwight York, file **within thirty (30) days from the date of this order** an amended complaint that complies with the directives of this order. It is

FURTHER ORDERED that the amended complaint shall be titled "Amended Prisoner Complaint," and shall be filed with the Clerk of the Court for the United States District Court for the District of Colorado at the Alfred A. Arraj U.S. Courthouse, 901 Nineteenth Street, Room A-105, Denver, Colorado 80294-3589. It is

FURTHER ORDERED that the clerk of the Court mail to Mr. York, together with a copy of this order, two copies of the Court-approved, Prisoner Complaint form for use in submitting the amended complaint. It is

FURTHER ORDERED that Mr. York submit sufficient copies of the amended complaint to serve each named defendant. It is

FURTHER ORDERED that if Mr. York fails **within thirty days from the date of this order** to file an amended complaint that complies with this order to the Court's satisfaction, the complaint and the action will be dismissed without further notice. It is

FURTHER ORDERED that the requests to expedite Mr. York's emergency medical transfer and for service by the United States Marshal Service are denied because they are signed by a person who is not a party to this action.

DATED July 6, 2007, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

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FOR THE DISTRICT OF COLORADO

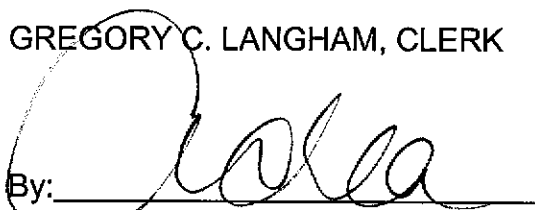
**CERTIFICATE OF MAILING**

Civil Action No. 07-cv-01297-BNB

Malichi Z. York  
a/k/a Dwight York  
Reg. No. 17911-054  
ADX - Florence  
PO Box 8500  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** and two copies of **Prisoner Complaint** to the above-named individuals on 7/6/07

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk