

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02529-BNB

LOUIS C. SHEPTIN,

Plaintiff, named as Petitioner,

v.

TELLER COUNTY SHERIFF, and
CORRECTIONAL HEALTHCARE MANAGEMENT "CHM,"

Defendants, named as Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 07 2008

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Louis C. Sheptin, named as Petitioner, was incarcerated at the Jefferson County Detention Facility in Golden, Colorado, and then subsequently the Teller County Jail in Divide, Colorado, when he initiated this action by submitting *pro se* a letter to the Court, and documents titled "Emergency Application to Proceed Emergency Filing In Forma Pauperis," "Emergency Application for Habeas Corpus Denial of Timely Follow-up for Brest [sic] Cancer Clinic/Treatment," "Application for Writ of Habeas Corpus Notice to Court of Deceptive & Unsafe Practices at Jefferson County Jail Placing Lives at Risk - Denial of Cardiac Meds -," "Emergency Application Under Title 28 USC 2241 For Denial of Follow-Up Cancer Care as Prescribed [sic] "ASAP" by Denver Brest [sic] Cancer Clinic Doctors Nov 13, 2007," and "Complaint for Medical Malpractice and Denial of Medical Care." It has since come to the Court's attention that Mr. Sheptin currently is incarcerated at the Metropolitan Correctional Center in Chicago, Illinois.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court determined that the submitted documents were deficient. In an order filed on December 5, 2007, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Plaintiff to cure certain enumerated deficiencies in the case within thirty days if he wished to pursue his claims. Specifically, Plaintiff was directed to submit on the proper, Court-approved forms a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. He also was directed to submit a certified copy of his trust fund account statement for the six-month period immediately preceding this filing. On December 10, 2007, Mr. Sheptin filed with the Court a document titled "Petition for Writ of Habeas Corpus or Mandamus." On December 14, 2007, Magistrate Judge Boland granted Mr. Sheptin a thirty-day extension of time in which to cure the designated deficiencies.

Although on January 4, 2008, Mr. Sheptin corresponded with the Court, he has failed within the time allowed to cure any of designated deficiencies as directed. Subsection (a)(2) of 28 U.S.C. § 1915 (2006) requires submission of "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." The December 5, 2007, order and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 note this requirement. By failing to submit a certified copy of his trust fund account statement, Mr. Sheptin has failed to cure all the deficiencies listed in the December 5 order within the time allowed. The December 5 order warned Mr. Sheptin that if he failed to cure the designated deficiencies as

directed within the time allowed, the action would be dismissed without further notice.

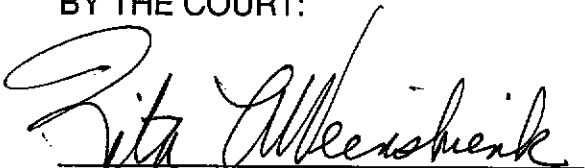
Accordingly, it is

ORDERED that the "Emergency Application for Habeas Corpus Denial of Timely Follow-up for Brest [sic] Cancer Clinic/Treatment," "Application for Writ of Habeas Corpus Notice to Court of Deceptive & Unsafe Practices at Jefferson County Jail Placing Lives at Risk - Denial of Cardiac Meds -," "Emergency Application Under Title 28 USC 2241 For Denial of Follow-Up Cancer Care as Prescribed [sic] "ASAP" by Denver Brest [sic] Cancer Clinic Doctors Nov 13, 2007," "Complaint for Medical Malpractice and Denial of Medical Care," "Petition for Writ of Habeas Corpus or Mandamus," and the action are dismissed without prejudice for failure to cure. It is

FURTHER ORDERED that the "Emergency Application to Proceed Emergency Filing In Forma Pauperis" is denied as moot.

DATED at Denver, Colorado, this 7 day of February, 2008.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 07-cv-02529-BNB

Louis C. Sheptin
Reg. No. 90355-024
Metropolitan Correctional Center
71 W. Van Buren Street
Chicago, IL 60604

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 2/7/07

GREGORY C. LANGHAM, CLERK

By: Angie
Deputy Clerk