

**FILED**  
 UNITED STATES DISTRICT COURT  
 DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLORADO

JUN 3 - 2009

Civil Action No. '09 - CV - 01303 Bnb GREGORY C. LANGHAM  
 CLERK

(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.)

PHILIP A. PUNK JR.,

Plaintiff,

v.

STATE OF COLO.,  
 EL PASO CTY,  
 D.A. STAFF,  
 JUDGES [sic] STAFF,  
 SHERIFFS [sic] AND POLICE INVESTIGATOR,

Defendants.

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

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Plaintiff has submitted a Prisoner Complaint and a certified account statement. 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 documents are deficient as described in this order. Notwithstanding the deficiencies, 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 that Plaintiff files in response to this order must include the civil action number on this order.

The Court notes that Mr. Kent B. French has signed the Complaint submitted to the Court in the instant action. Although Mr. Punk has signed the Complaint, it appears that he has signed granting Mr. French to act “pro bono” in his behalf. A *pro se* litigant may not represent another *pro se* litigant in federal court. See 28 U.S.C. § 1654; see also *Lutz v. Lavelle*, 809 F. Supp. 323, 325 (M.D. Pa. 1991); *Miller v. Bobbitt*, 779 F. Supp. 495, 496 (D. Or. 1991); *Lindstrom v. Illinois*, 632 F. Supp. 1535, 1537 (N.D. Ill. 1986), *appeal dismissed*, 828 F.2d 21 (7<sup>th</sup> Cir. 1987). Mr. Punk is required to sign all filings submitted to the Court in this action.

**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 an original signature by the prisoner
- (7)  is not on proper form (must use the court's current form)
- (8)  names in caption do not match names in caption of complaint, petition or habeas application
- (9)  An original and a copy have not been received by the court. Only an original has been received.
- (10)  other: motion is necessary only if filing fee is not paid in advance.

**Complaint, Petition or Application:**

- (11)  is not submitted
- (12)  is not on proper form (must use the court's current form)
- (13)  is missing an original signature by the prisoner
- (14)  is missing page nos. 1
- (15)  uses et al. instead of listing all parties in caption
- (16)  An original and a copy have not been received by the court. Only an original has been received.
- (17)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18)  names in caption do not match names in text
- (19)  other: addresses not given for all defendants.

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is


FURTHER ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that Plaintiff files in response to this order must include the civil action number on this 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 form(s): Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915; Prisoner Complaint. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the complaint and the action will be dismissed without further notice.

DATED at Denver, Colorado, this 2<sup>d</sup> day of June, 2009.

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. '09 - CV - 01303

Philip A. Punk Jr.  
Prisoner No. 120656  
Sterling Correctional Facility  
PO Box 6000 - Unit 3 C 110  
Sterling, CO 80751

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 Prisoner Complaint forms** to the above-named individuals on 6/3/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk