

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00484-CBS

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

COUNSELOR MADISON,
UNIT MANAGER COLLINS,
DEBORAH A. LOCKE,
BOYD BOLAND,
ZITA WEINSHIENK, and
MS. MACK,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 10 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Timothy Doyle Young, a federal prisoner currently housed in the State of Colorado, originally filed a civil complaint in the United States District Court for the Eastern District of New York (Eastern District of New York). The Eastern District of New York determined that venue in the instant action properly lies in the United States District Court for the District of Colorado and entered an order on April 28, 2008, transferring the case to this Court. The Eastern District of New York electronically sent the transfer order to this Court, but this Court was not able in April 2008 to receive notification of transferred cases electronically. This Court was not aware of the transferred case until recently when Mr. Young informed this Court, *see Young v. United States*, No. 09-cv-02999-ZLW, Doc. No. 5 (D. Colo. Mar. 1, 2010), that he filed a case in the Eastern District of New York, which was ordered transferred to this Court

but was not filed in this Court. Subsequently, this Court contacted the Eastern District of New York and informed the court of its failure to electronically notify this Court of two transferred cases. On March 1, 2010, this Court received the transfer order and related filings from the Eastern District of New York in this action.

As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, this Court has determined that the submitted documents are deficient as described in this Order. Mr. Young will be directed to cure the following if he wishes to pursue his claims. Any papers which Mr. Young files in response to this Order must include the civil action number on this Order.

Mr. Young is further instructed to include a certified copy of his trust fund account statement. If Mr. Young intends to assert that he is not able to obtain a certified account statement he must include copies of the requests that he submitted to the appropriate prison staff member or department for certified copies but were returned to him denied.

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 _____

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 Mr. Young cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers which Mr. Young 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 Mr. Young, 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 and a Prisoner Complaint. It is

FURTHER ORDERED that if Mr. Young fails to cure the designated deficiencies **within thirty days from the date of this Order** the Complaint and the action will be dismissed without further notice.

DATED at Denver, Colorado, this 10TH day of March, 2010.

BY THE COURT:

s/Craig B. Shaffer
 Craig B. Shaffer
 United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-00484-CBS

Timothy Doyle Young
Reg. No. 60012-001
ADX – Florence
PO Box 8500
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 Prisoner Complaint forms** to the above-named individuals on 3/10/10.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk