

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

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLORADO**

AUG 18 2010

Civil Action No. 10 - CV - 01976 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.)**

GARY ANTHONY COLE, SR., #22707-077,

Plaintiff,

v.

THE UNITED STATES DISTRICT COURT, for the Northern District of Texas,  
 THE UNITED STATES COURT OF APPEALS, for the Fifth (5<sup>th</sup>) Circuit,  
 THE FEDERAL BUREAU OF PRISONS,  
 UNITED STATES PENITENTIARY-FLORENCE-SUPER MAX,  
 B. DAVIS, Warden-C.E.O., and  
 GOVERNMENT AGENCIES, et al.,

Defendants.

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

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Plaintiff has submitted a letter to the court, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action and a "Motion for 28 U.S.C., 1361, Action to Compel Government Officers, Motion to Show Cause of Imminent Danger, as to Serious Physical Injury, 28 U.S.C. 1915(G)." 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

which the Plaintiff files in response to this order must include the civil action number on this order.

**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: \_\_\_\_\_.

**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. \_\_\_\_
- (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: \_\_\_\_\_.

Accordingly, it is

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

FURTHER ORDERED that the Plaintiff cure the deficiencies designated above

**within thirty (30) days from the date of this order.** Any papers which the 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 the Plaintiff, 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 the Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 16<sup>th</sup> day of August, 2010.

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. '10 - CV - 01976

Gary Anthony Cole, Sr.  
Reg No. 22707-077  
US Penitentiary ADX  
P.O. 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 8/18/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk