

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

MAR 15 2011

GREGORY C. LANGHAM  
CLERK

Civil Action No. 11-cv-00581-BNB

**(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.)**

WYATT T. HANDY JR.,

Plaintiff,

v.

SGT. CUMMINGS, Individually [sic] and Official Capacity,  
DEP. WENDELBURG, Individually [sic],  
DEP. THAO, Individually [sic],  
DEP. LIGON, Individually [sic],  
DEP. ELLEDGE, Individually [sic],  
DEP. GIRARD, Individually [sic],  
MRS. GRETCHEN, Individually [sic] and Official Capacity, and  
T. WARD # 09027, Individually [sic] and Official Capacity

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Prisoner Complaint, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Motion for Appointment of Counsel, Motion for Court Ordered Service of Summons and Complaint of the Defendants, and Declarations Under the Penalty of Perjury from the following individuals: George Rainey, Luie Barbosa, Steven Bassett, Anthony Blakely, Justin Boss and Wyatt T. Handy, Jr. 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. 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 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 form: Prisoner's Motion and

Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice. It is

FURTHER ORDERED that the Motion for Appointment of Counsel (ECF No. 3) and Motion for Court Ordered Service of Summons and Complaint on the Defendants (ECF No. 4) are denied as premature.

DATED March 15, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 11-cv-00581-BNB

Wyatt T. Handy, Jr.  
Prisoner No. 1006451  
Arapahoe County Det. Facility  
PO Box 4918  
Centennial, CO 80155-4918

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 form** to the above-named individuals on March 15, 2011.

GREGORY C. LANGHAM, CLERK

By: 

\_\_\_\_\_  
Deputy Clerk