

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

Civil Action No. 12-cv-00383-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.)**

THERON JOHNNY MAXTON,

Plaintiff,

v.

UNITED STATES OF AMERICA,  
BOP DIRECTOR, Washington D.C.,  
T. K. COZZA RHODES, Warden FCI,  
CHARLES DANIEL, Warden FCI,  
S. COLLINS, Health Service USP, and  
LT. ANTHONY, USP Florence,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. 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 that 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)    xx is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (account statement submitted is not certified by a prison official and does not appear to cover the entire

- \_\_\_\_\_ six-month period)
- (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) xx \_\_\_\_\_ is not on proper form
  - (8) \_\_\_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
  - (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) \_\_\_\_\_ names in caption do not match names in text
- (16) \_\_\_\_\_ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) \_\_\_\_\_ 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 that Plaintiff files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Plaintiff shall obtain the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). 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. The dismissal shall be without prejudice.

DATED February 17, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge