

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

Civil Action No. 12-cv-02657-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.)**

WILLIE T. HAYES,

Plaintiff,

v.

SCHERBARTH, Associate Warden,  
JAMES FALK, Warden,  
TOM CLEMMONS, Executive Director,  
MAJOR REVORE,  
MAJOR MICHELLE NYCHALLIGON,  
LIEUTENANT HOFFMAN,  
CASE MANAGER PETERSON,  
BEV DOWIS, Medical Supervisor,  
CASE MANAGER JOHN DOE, and  
JENNIFER ANDERSON, Law Librarian, in their individual and official capacities,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff, Willie T. Hayes, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the correctional facility in Sterling, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint.

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 noted above in the caption of 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 for filing prisoner complaints)
- (8) X 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 Plaintiff cure the deficiency designated above **within thirty 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 days from the date of this order**, the action will be dismissed without further notice.

DATED: October 23, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge