

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

Civil Action No. 12-cv-02989-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.)

NATHANIEL HAMPTON,
JEFF SPICOLA, and
ALL STATE PRISONERS IN LONG-TERM PUBLIC RESIDENTIAL TREATMENT
PROGRAMS,

Plaintiffs,

v.

THE STATE OF COLORADO,
JUDGE BARNEY IUPPA, and
LIRA SIMS, Probation Officer,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

Plaintiff Nathaniel Hampton, acting *pro se*, filed a Prisoner Complaint, ECF No. 1, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, ECF No. 2. Plaintiff is in the custody of the Delta Correctional Center in Delta, Colorado.

Jeff Spicola and all state prisoners in long-term public residential treatment programs are named as plaintiffs in this action. Plaintiff Hampton may not assert claims on behalf of other individuals and he may not list other individuals as plaintiffs in a pleading that only he has signed. A *pro se* litigant may not represent other *pro se* litigants in federal court. See 28 U.S.C. § 1654; see also *Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000). "A litigant may bring his own claims to

federal court without counsel, but not the claims of others.” *Fymbo*, 213 F.31 at 1321.

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. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers that Plaintiffs file 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 (Jeff Spicola must submit a § 1915 motion)
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (Jeff Spicola)
- (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) names in caption of the amended motion and affidavit must match names in caption of amended complaint
- (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 (Although Jeff Spicola signed on Page Four 4B of the Complaint, he did not sign declaration under penalty of perjury on Page 8.)
- (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) other:

Accordingly, it is

ORDERED that Plaintiffs cure the deficiencies designated above **within thirty days from the date of this order**. Any papers that Plaintiffs file in response to this order must include the civil action number on this Order. It is

FURTHER ORDERED that Plaintiffs shall obtain the Court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov, and use those forms in curing the designated deficiencies. It is

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

DATED: November 15, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge