

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13cv-00157-BNB

JEREMY PINSON,

Plaintiff,

v.

RICHARD MADISON,
PATRICIA RANGEL,
DAVID BERKEBILE,
S. KUTA,
MICHELLE BOND,
OFFICER J. JOHNSON,
OFFICER SHEPHERD,
PAUL ZOHN,
BLAKE DAVIS,
A. BALSICK,
G. SANDUSKY,
OFFICER DAVIS,
OFFICER TERSKA,
K. ESPENSEN, and
A. OSAGIE,

Defendants.

ORDER TO DISMISS IN PART
AND TO AMEND

Plaintiffs, Erwin Villatoro and Jeremy Pinson, acting *pro se*, initiated this action by filing a Prisoner Complaint. Plaintiffs are in the custody of the United States Bureau of Prisons and currently are incarcerated at ADX in Florence, Colorado. Pursuant to the Court's January 24, 2013 Order both Plaintiffs filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Plaintiffs also filed an Amended Complaint on February 11, 2013. Then on March 4, 2013, Plaintiff Villatoro filed a Notice of Voluntary Dismissal, in which Plaintiffs ask that Plaintiff Villatoro and

his claims be dismissed.

The Court will dismiss Plaintiff Villatoro and his claims. As for the remaining claims asserted by Mr. Pinson, the Court will instruct Mr. Pinson to amend and state “specific fact allegations of **ongoing** serious physical injury, or a pattern of misconduct evidencing the likelihood of imminent serious physical injury.” *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003) (emphasis added). Mr. Pinson is instructed that in support of his allegations he is to state the date that each specific act took place and the name of the specific individual that was responsible for the alleged act.

Accordingly, it is

ORDERED that Mr. Villatoro is dismissed from this action. It is

FURTHER ORDERED that Mr. Pinson file one last Amended Complaint in keeping with this Order. Court-approved prisoner complaint forms are available (with the assistance of a case manager or the facility’s legal assistant), along with the applicable instructions, at www.cod.uscourts.gov for use in amending the Complaint. It is

FURTHER ORDERED that if within thirty days of the date of this Order Mr. Pinson fails to comply with this Order the Court will dismiss the action without further notice.

DATED March 18, 2013, at Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court