

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

Civil Action No. 13-cv-00591-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.)

JESSE JOHNSON,

Plaintiff,

v.

TIMOTHY LYDEN,
JOE D. DRIVER, and
TAMI ANDING,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff, Jesse Johnson, is a prisoner who currently is incarcerated at the correctional center in Hudson, Colorado. Plaintiff, acting *pro se*, initiated this action in the United States District Court for the District of Alaska (District of Alaska) by filing a Prisoner Complaint (ECF No. 3) and a Prisoner's Declaration and Application to Proceed *In Forma Pauperis* (ECF No. 1, ex. 12). The District of Alaska granted him leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 1, ex. 19).

On January 31, 2013, the District of Alaska entered an order (ECF No. 1, ex. 20) directing Mr. Johnson to file an amended complaint in order to state a cognizable case against appropriate defendants in federal court. On March 7, 2013, Plaintiff filed a motion (ECF No. 1, ex. 21) to transfer this case to this Court. Also on March 7, the District of Alaska entered an order (ECF No. 1) granting the motion, and transferring the

case to this Court.

As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the submitted Prisoner Complaint is 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) ___ 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) X other: Plaintiff has failed to submit an amended complaint that complies with the Order to Amend Complaint (ECF No. 1, ex. 20) entered by the District of Alaska.

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 form for filing a Prisoner Complaint (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 that form in curing the designated deficiency by filing an amended Prisoner Complaint as directed. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiency **within thirty days from the date of this order**, the action will be dismissed without further notice.

DATED: March 11, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge