

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

Civil Action No. 13-cv-00957-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.)

BILLY JACK WIGLESWORTH,

Plaintiff,

v.

CHRISTOPHER PAGEL,
THE GEO GROUP, INC.,
JOE D. DRIVER, and
A. GARCIA,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On November 5, 2012, Billy Jack Wiglesworth, an Alaska state prisoner proceeding *pro se* and housed at the correctional center in Hudson, Colorado, filed a civil complaint in the Superior Court for the State of Alaska for money damages and injunctive relief. ECF No. 1, ex. 25 at 1. Defendants, residents of Colorado, and a Florida-based corporation, paid the \$350.00 filing fee, ECF No. 1, ex. 52 at 2, to remove the case on January 16, 2013, to the United States District Court for the District of Alaska (District of Alaska) under diversity jurisdiction, 28 U.S.C. § 1332. ECF No. 1, ex. 25 at 1. Thereafter, on February 5, 2013, Defendants moved to dismiss the case for lack of personal jurisdiction or, in the alternative, to transfer the action to this Court. *Id.* at 1-2.

On February 28, 2013, Mr. Wiglesworth submitted an amended complaint pursuant to 28 U.S.C. § 1332. ECF No. 5 (see also ECF No. 1, exs. 30 and 34). On

April 10, 2013, the District of Alaska transferred the case to this Court. ECF No. 51. It is unclear which is the operative complaint in this court, *i.e.*, ECF No. 5 (see *also* ECF No. 1, exs. 30 and 34), which is the amended complaint Mr. Wiglesworth filed in the District of Alaska, or ECF No. 4, the complaint he filed in the Superior Court for the State of Alaska.

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 revised 10/01/12 with Authorization and Certificate of Prison Official)
- (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) other:

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies 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 submitting the amended complaint to this court. 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 April 19, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge