

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01093-BNB

BILL GUINN,

Plaintiff,

v.

UNNAMED CONTEMPLATED DEFENDANTS,

Defendants.

ORDER

On April 23, 2013, Plaintiff submitted a Motion for Production of Documents, ECF No. 1. The Court construed the Motion as a request to initiate a civil action and directed Plaintiff to cure certain deficiencies. Inadvertently, the Court determined that Plaintiff was incarcerated, rather than residing in Denver, Colorado, and directed him to cure the deficiencies as is required by an individual who is incarcerated. Accordingly, the Court will vacate the April 25, 2013 Order, and direct him to cure deficiencies as follows

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, 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 on this Order.

As for Plaintiff's request, (stated in the Response filed on May 15, 2013), that the Court grant him leave to proceed *in forma pauperis* based on the *in forma pauperis* motion he filed in Case No. 13-cv-00693-LTB, the Court will not determine Plaintiff's current indigency status in this case based on an affidavit he filed in a previous case.

Furthermore, a plaintiff abuses the judicial process when he initiates an action without factual basis for specific misconduct by the defendants and asks for discovery in the hope of finding the necessary evidence of misconduct. See *Munoz v. St. Mary-Corwin Hosp.*, 221 F.3d 1160, 1169 (10th Cir. 2000). Plaintiff's Motion for Production of Documents again will be denied as premature.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) is not submitted
- (2) is not on proper form (must use the Court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) other: .

Complaint or Petition:

- (9) is not submitted
- (10) is not on proper form (must use the court's current form)
- (11) is missing an original signature by the Plaintiff
- (12) is incomplete
- (13) uses et al. instead of listing all parties in caption
- (14) names in caption do not match names in text
- (15) addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (16) other:

Accordingly, it is

ORDERED that the Court's Order entered on April 25, 2013, is vacated. It is

FURTHER 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 forms used in filing a Complaint and a 28 U.S.C. § 1915 Motion and Affidavit, along with the applicable instructions, at 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. It is

FURTHER ORDERED that Plaintiff's Motion for Production of Documents, ECF No. 1, is denied as premature.

DATED May 15, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge