

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

Civil Action No. 13-cv-01197-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.)

MICHAEL BACOTE,¹

Plaintiffs,

v.

A. BALSICK, ADX, Correctional Officer, and
G. SANDUSKY, ADX, Correctional Officer,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

On May 6, 2013, Plaintiff submitted a Prisoner Complaint. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the documents are deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this Court in this action. Any papers that Plaintiff files in response to this Order must include the civil action number on this Order.

28 U.S.C. § 1915 Motion and Affidavit:

¹ The Court notes that in the caption of the Complaint Plaintiff indicates his name is Abdul-Kabir Mukatal, but he is also known as Michael Bacote. The United States Bureau of Prisons website, under the Inmate Locator menu, does not list Abdul-Kabir Mukatal as an inmate. Michael Bacote is listed in the Inmate Locator and his register number is listed as 05835-007, which is the same number that is noted on Page Two of the Complaint form and on the inmate account statement provided in ECF No. 3. Pursuant to the Bureau of Prisons Program Statement 5800.15, Ch. 5, Page 4, the prison record system (SENTRY) must reflect the prisoner's committed name, which may only be changed by an order from the federal sentencing court. The Court, therefore, will not recognize Plaintiff's name as Abdul Kabir Mukatal.

The Court further notes that it appears the Complaint was written by inmate Q Ili Yaas Haakeem Faarakhan-Muhammad, Register No. 02791-088.

- (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 for each Plaintiff
- (4) is missing certificate showing current balance in prison account
- (5) is missing required financial information
- (6) is missing authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) is not on proper form
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Plaintiff's name is not properly presented in the caption.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper 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) names in caption do not match names in text
- (17) addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (18) other: Plaintiff has failed to properly complete Section "E. Previous Lawsuits" of the Complaint form. The information provided is incorrect and incomplete. Plaintiff's name is not properly presented in the caption.

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 Prisoner Complaint form and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C.

§ 1915 form (revised 10/1/12) (with the assistance of his case manager or the facility's legal assistant), 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 the Clerk of the Court is instructed to identify Michael Bacote as the properly named Plaintiff in this action and not Abdul-Kabir Mukatal. The Court does not recognize Abdul-Kabir Mukatal as a named Plaintiff to this action.

DATED May 7, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge