

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

Civil Action No. 13-cv-01203-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.)

ELRADER BROWNING, JR.,

Plaintiff,

v.

BLAKE DAVIS, Warden,
LOUIS MILUSNIC, Associate Warden,
MARK MUNSON, Associate Warden,
MARK COLLINS, Warden Assistant,
RUSS KRIST, Captain,
DAN SPROUL, Unite Manager, and
JEFF GEORGE, Discipline Hearing Off.,

Defendants.

AMENDED ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Elrader Browning, Jr., is a prisoner in the custody of the Federal Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. He has submitted *pro se* a Prisoner Complaint (ECF No. 1). As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the complaint is deficient as described in this order. Plaintiff will be directed to cure the following if he wishes to pursue his claims.

It has come to the Court's attention that the filing fee listed in the order to cure of May 8, 2013, listed an incorrect filing fee of \$350.00. See ECF No. 5 at 2. Effective May 1, 2013, a general administrative fee of \$50.00 for filing a civil action, suit, or proceeding in federal court increased the former \$350.00 filing fee to a total of \$400.00.

This amended order corrects that incorrect reference. 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 (must use the court's current form revised 10/01/12 with Authorization and Certificate of Prison Official)
- (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)
- (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: § 1915 motion and affidavit and certified account statement only are necessary if \$400.00 filing fee is not paid in full in advance.

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 (30) 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 (with the assistance of his case manager or the facility's legal assistant) the Court-approved forms for filing a Prisoner's

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint, along with the applicable instructions, at www.cod.uscourts.gov, and use those forms in curing the designated deficiencies. It is

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

DATED May 13, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge