

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

Civil Action No. 13-cv-01963-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.)**

WYATT T. HANDY JR.,

Plaintiff,

v.

DEP. VIGIL, et al.,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff Wyatt T. Handy Jr. has filed a Prisoner Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1 and 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 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.

- (10) X Only an original has been received.  
other: Plaintiff has submitted a § 1915 motion and affidavit that is used by nonprisoners. Although the address on the § 1915 motion is a street address, the address given in the Complaint is for the Arapahoe County Detention Center. Also, the Colorado Department of Corrections website, <http://www.doc.state.co.us/oss/>, indicates that Plaintiff is currently assigned to "Jail Backlog" and is not due for a parole hearing date until April 2014. Plaintiff must confirm his current status and provide sufficient documentation that he is not detained in a jail or incarcerated.

**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.

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: August 6, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge