

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

Civil Action No. 14-cv-01363-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.)

JUAN VIANEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Juan Vianez, initiated this action by filing a pleading titled, "Criminal Complaint." Like the four previous cases Plaintiff has filed in this Court since January 2013, the claims are prolix, vague, and unintelligible pleadings. *See Vianez v. Berkebile*, No. 13-cv-00028-LTB (D. Colo. Feb. 22, 2013); *Vianez v. Berkebile*, No. 12-cv-02038-LTB (D. Colo. Sept. 12, 2013); *Vianez v. District Court for Denver, Colo.*, No. 13-cv-02662-LTB (D. Colo. Nov. 13, 2013); *Vianez v. State of Colo., et al.*, No. 14-cv-00164-LTB (D. Colo. Feb. 28, 2014). Plaintiff also, subsequent to filing this action, filed another action that like this action, and all other actions filed previously, is prolix, vague, and unintelligible.

In each of the previous actions filed by Plaintiff, the Court has directed Plaintiff to cure deficiencies by filing his claims on a Court-approved form and by either submitting

a request to proceed pursuant to 28 U.S.C. § 1915 or in the alternative paying the \$400 filing fee. Plaintiff did not comply with any of the Court's orders to cure deficiencies in these cases. Rather than cure the deficiencies, Plaintiff submitted filings that are nonsense and unresponsive to the cure orders. Each case was dismissed for failure to comply with the Court's orders.

It is now clear to the Court that Plaintiff either is incapable of complying with a Court order or is maliciously and purposely filing nonsensical pleadings in an attempt to abuse the federal judiciary system. If Plaintiff fails to cure the deficiencies noted below in this Order the Court will entertain the imposition of filing restrictions on Plaintiff.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), 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.

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 authorization to calculate and disburse filing fee payments
- (5) the account statement showing the current balance in Applicant's prison account is not certified
- (6) is missing required financial information
- (7) is missing an original signature by the prisoner
- (8) is not on proper form (must use the Court's current form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) An original and a copy have not been received by the court.
Only an original has been received.
- (11) other:

Complaint, Petition or Application:

- (12) is not submitted
- (13) is not on proper form (must use the Court's current form)
- (14) is missing an original signature by the prisoner
- (15) is missing page nos. ____
- (16) uses et al. instead of listing all parties in caption
- (17) names in caption do not match names in text
- (18) 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 proper Court-approved form for filing the claims he is attempting to assert and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. Use of Court-approved forms is required to cure deficiencies. 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 May 20, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge