

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01441-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.)

ARNELL SHELTON,

Plaintiff,

v.

D. BERKEBILE, FCC Warden, and
JENNIFER COULTER,

Defendants.

**ORDER DRAWING CASE AND
DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

Plaintiff, Arnell Shelton, is a prisoner in the custody of the Federal Bureau of Prisons currently incarcerated at ADX in Florence, Colorado. Mr. Shelton, acting *pro se*, initiated this action by submitting a letter (ECF NO. 1) on May 21, 2014.

After review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that this case does not appear to be appropriate for summary dismissal. Therefore, the case will be drawn to a presiding judge and, if applicable, to a magistrate judge. See D.C.COLO.LCivR 8.1(c).

The Court also has determined, however, that the submitted document is deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue his claims in this Court in this action. 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) X is not submitted (must use Court-approved form revised 10-1-12)
- (2) is missing affidavit
- (3) X 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) X is missing authorization to calculate and disburse filing fee payments
- (6) is missing an original signature by the prisoner
- (7) X other: the § 1915 motion and affidavit and certified copy of Plaintiff's trust fund account statement is not necessary if the \$400.00 filing fee is paid in full.

Complaint, Petition or Application:

- (8) is not submitted
- (9) X is not on proper form (must use the Court's current form)
- (10) is missing an original signature by the prisoner
- (11) is missing page nos.
- (12) uses et al. instead of listing all parties in caption
- (13) names in caption do not match names in text
- (14) other:

Accordingly, it is

ORDERED that this case shall be drawn to a presiding judge and, if applicable, to a magistrate judge. 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 the Plaintiff shall obtain the Court-approved Prisoner Complaint form and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (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 Complaint and the action may be dismissed without further notice.

DATED May 22, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge