

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

Civil Action No. 14-cv-01576-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.)

PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

STEVEN McCARY,

Defendant.

ORDER DIRECTING DEFENDANT TO CURE DEFICIENCIES

Defendant, a prisoner in the custody of the Colorado Department of Corrections, has submitted to the court a document titled "Motion for Removal of Case" (ECF No. 1) seeking to remove to this court two appeals from the Colorado Court of Appeals. Defendant also alleges that his constitutional rights are being violated, apparently by prison officials, in connection with his state court appeals. Defendant may not remove to this court his pending state court appeals. Therefore, the court construes the motion liberally as a civil rights complaint and the instant civil rights action has been commenced. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the motion is deficient as described in this order. Defendant will be directed to cure the following if he wishes to pursue any claims in this action. If Defendant does not intend to pursue a civil rights action in this court regarding his allegations in the motion, he should advise the court of that fact and the instant action

will be dismissed. Any papers that Defendant 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 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 (must use the court's current form)
- (9) ☐ names in caption do not match names in caption of complaint, petition or habeas application
- (10) ☒ other: motion and supporting documents are necessary only if fees totaling \$400.00 are not paid in advance.

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: _____.

Accordingly, it is

ORDERED that Defendant cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Defendant files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Defendant shall obtain the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms (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 Defendant fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED June 4, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge