

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02301-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.)**

BROOKS TERRELL-BEY,

Plaintiff,

v.

BERKABILE, Warden, *et al.*,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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On August 13, 2014, Plaintiff, Brooks Terrell-Bey, initiated this action by filing a “Motion to Compel an Officer of the U.S. to Perform His Duties” (ECF No. 1). In the Motion, Plaintiff complains about the conditions of his confinement. Accordingly, this case has been opened as a civil rights action pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). As part of the Court’s review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that there are deficiencies in this action. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this Court in this action. 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)  copy of prisoner’s trust fund statement for the 6-month period immediately preceding this filing is not submitted

- (4) \_\_\_ trust fund account statement is missing certification by authorized prison official
- (5) \_\_\_ is missing required financial information
- (6) X 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
- (9) \_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
- (10) X other: Plaintiff may pay the \$400 filing fee in lieu of filing a § 1915 Motion.

**Complaint, Petition or Application:**

- (11) X is not submitted (Plaintiff must submit Complaint on the court-approved Prisoner Complaint form).
- (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 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 court-approved forms for filing a Prisoner Complaint 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](http://www.cod.uscourts.gov), and shall use the forms in complying with this Order. 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 August 21, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge