

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

Civil Action No. 14-cv-02375-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.)

JASON PECCI,

Plaintiff,

v.

STEPHAN SCHAPANSKI, Head Judge, Larimer County/Eighth District, and
SHERYL SAMPSON, Clerk of Courts, Larimer County/Eighth District,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On August 27, 2014, Plaintiff submitted a Complaint to the Court. Plaintiff challenges the Defendants obstruction of his access to the courts pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 1343, 2201, and 2202. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined there are deficiencies as described in this Order. 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.

This Court further notes that pursuant to the Colorado Department of Corrections website, and Plaintiff's request that the Court return a file stamped copy of the complaint, Plaintiff is incarcerated at Bent County Correctional Facility in Las Animas, Colorado. The Court will use the Bent County address as the address of record in this case and finds the proper Court-approved form to be used in this case is a Prisoner Complaint form.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted
- (2) is missing affidavit
- (3) prisoner's trust fund statement does not cover the most immediate six months prior to Plaintiff filing this action
- (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 current Court-approved form
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: In the alternative Plaintiff may pay the \$400 filing fee in full.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (The Colorado Department of Corrections website indicates Plaintiff is incarcerated at Bent County and Plaintiff submitted a return envelope for a stamped copy of the complaint to be returned to him at Bent County; the proper Court-approved form for filing a complaint by Plaintiff is a Prisoner Complaint 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 and provide answers to questions set forth on Court-approved form
- (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 forms, a Prisoner Complaint form and a 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. Use of a Court-approved form is required to cure the deficiencies in this action if Plaintiff desires to proceed in this case. 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 28, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge