

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

Civil Action No. 14-cv-02644-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.)

ISHMAEL PETTY,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On September 24, 2014, Plaintiff submitted to the Court a Letter asking that the Court contact the FBI so that they may address two issues. To the extent that Plaintiff is challenging the conditions of his confinement, the Court construes the Letter as filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Regarding his desire to talk with the FBI regarding other issues, Plaintiff must contact the FBI directly. The Court does not forward correspondence to other federal agencies. Public access to the Letter used to initiate this action, however, has been restricted.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b) of the conditions of confinement claim, the Court has identified the deficiencies listed below. Plaintiff will be directed to cure the following if he wishes to pursue his conditions of confinement claim 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.

If, however, Plaintiff does not intend to proceed with an action regarding the conditions of confinement claim at this time, he may elect to dismiss this action.

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
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Plaintiff may in the alternative pay the \$400 filing fee in full 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 with respect to the conditions of confinement claim Plaintiff shall cure the deficiencies designated above **within thirty days from the date of this Order** if he desires to proceed with this action. 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 Prisoner Complaint form and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (revised 10/1/12) (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 action will be dismissed without further notice.

DATED September 25, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge