

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

Civil Action No. 14-cv-02704-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.)**

MARY DANIELSON-GRODIN,  
MATT LINCOLN,  
JOHN DEMMING,  
NATHAN YBANEZ,  
SIMON SUE,  
SAM LINCOLN,  
ATORRUS RAINER,  
GREG RIVAS,  
DWIGHT HAZEL, and  
PATRICK SUCHAIYA,

Plaintiffs,

v.

RICH RAEMISCH, In his Official Capacity as Executive Director of the Colorado Department of Corrections (CDOC),  
LOU ARCHULETA, In his Official Capacity as Director of Prisons for CDOC,  
THE SCF MAIL ROOM,  
THE SCF PUBLICATION REVIEW COMMITTEE,  
BERNADETTE SCOTT, In her Official Capacity as Lieutenant of the SCF Mail Room and in her Individual Capacity,  
SCF MAIL ROOM EMPLOYEE "DJ," In his/her Individual Capacity,  
MICHELLE NYCZ-HALLIGAN, In her Official Capacity as a Major on the SCF Publication Review Committee and in her Individual Capacity,  
SCF MAIL ROOM EMPLOYEE "PDR," In his/her Individual Capacity,  
IRIS CHRISTIANS, In her Individual Capacity,  
SCF MAIL ROOM EMPLOYEE "Z SMITH," In his/her Individual Capacity,  
UNKNOWN CDOC PUBLICATION REVIEW COMMITTEE,  
UNKNOWN ADMINISTRATIVE HEAD,  
RANDY OLGUIN, In his Individual Capacity,  
PAMELA J. PLOUGHE, In her Individual Capacity,  
BUENA VISTA CORRECTIONAL CENTER PUBLICATION REVIEW COMMITTEE,  
WILLIAM BRUNELL, In his Individual Capacity,  
ANGEL MEDINA, In his Individual Capacity,  
SCF CORRECTIONAL OFFICER OCHOA, In her Individual Capacity,  
SCF SERGEANT ROBERT HRADECKY, In his Individual Capacity,  
ANDRIES PRINSLOO, In his Individual Capacity, and

JOHN CHAPDELAINE, In his Individual Capacity,  
Defendants.

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**ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES**

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On October 2, 2014, Plaintiffs submitted a Complaint, seven Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Motion for Variance of Complaint From Local Rule, and a Motion for Service by United States Marshal. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, the Court has determined that the documents are deficient as described in this Order. Plaintiffs will be directed to cure the following if they wish to pursue any claims in this Court in this action. Any papers that Plaintiffs file 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 (Each plaintiff must submit their **own** § 1915 Motion and Affidavit; Plaintiffs Matt Lincoln, John Demming, and Mary Danielson-Grodin must file their own § 1915 motions)
- (2)  is missing affidavit
- (3)  Plaintiffs Sam Lincoln, Dwight Hazel, Atorrus Rainer, Gregory Rivas, Patrick Suchaiya, Simon Sue, and Nathan Ybanez have not submitted a prisoner trust fund statement that covers the full **6-month period immediately preceding** the date of 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 (Nathan Ybanez did not sign or date his § 1915 motion and affidavit or sign the authorization to withdraw funds from his account)
- (8)  is not on proper form
- (9)  names in caption do not match names in caption of complaint, petition or habeas application
- (10)  other:

**Complaint, Petition or Application:**

- (11)  is not submitted
- (12)  is not on proper form (Must use a Court-approved form used in filing prisoner complaints; seven of ten plaintiffs are incarcerated)
- (13)  is missing an original signature by Plaintiff Matt Lincoln
- (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 Plaintiffs cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Plaintiffs file in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Plaintiffs shall obtain a Prisoner Complaint form and Nathan Ybanez shall obtain a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form, (if incarcerated with the assistance of their case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). A Court-approved form must be used to cure deficiencies. It is

FURTHER ORDERED that Plaintiffs Mary Danielson-Grodin, Matt Lincoln, and John Demming shall obtain a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 Court-approved form (form for nonprisoners) at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). A Court-approved form must be used to cure deficiencies. It is

FURTHER ORDERED that, if Plaintiffs fail to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the Motion for Variance of Complaint from Local

Rule, ECF No. 10, is denied because nonprisoners are not prejudiced by this form and certain information requested on the Prisoner Complaint form is required to be provided by prisoners. It is

FURTHER ORDERED that Motion for Service, ECF No. 11, is denied as premature and unnecessary.

DATED October 14, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge