

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02704-GPG

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.

SECOND ORDER TO CURE DEFICIENCIES

Plaintiffs Nathan Ybanez, Simon Sue, Sam Lincoln, Greg Rivas, Atorrus Rainer, Dwight Hazel, and Patrick Suchaiya are in the custody of the Colorado Department of Corrections and currently incarcerated at the Sterling Correctional Facility in Sterling, Colorado. Plaintiff Mary Danielson-Grogin resides in Hollywood, Florida, Plaintiff Matt Lincoln resides in Clifton, Colorado, and Plaintiff John Demming resides in Fort Collins, Colorado. Plaintiffs, all *pro se* litigants, initiated this action by filing a Complaint. All but Matt Lincoln signed the Complaint. The seven plaintiffs who are incarcerated each submitted a Prisoner Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, but the accompanying inmate account statements did not cover the entire six-month period immediately preceding the initiation of this case. Mr. Ybanez also failed to sign and date the Motion and provide authorization for monies to be withdrawn from his account to pay the filing fee. Ms. Danielson-Grogin and Messrs. Matt Lincoln and Demming failed either to pay the filing fee or in the alternative to submit a request for leave to proceed pursuant to 28 U.S.C. § 1915 that normally is submitted by nonprisoners.

Magistrate Judge Boyd N. Boland entered an order on October 14, 2014, and directed Plaintiffs to cure the above noted deficiencies as follows. All seven prisoners were directed to provide an account statement that covers the full six months immediately preceding the date this action was filed with the Court. The date this action was initiated is October 2, 2014, and is noted in the October 14, 2014 Order to Cure

Deficiencies.

Mr. Ybanez was directed to submit a 28 U.S.C. § 1915 Motion that is signed and dated and that provides authorization for the withdrawal of funds from his account. Furthermore, Plaintiffs Danielson-Grodin, Matt Lincoln, and Demming were directed to file their own § 1915 nonprisoner motions. Finally, Plaintiffs were directed to use a Court-approved form that is used when filing a prisoner complaint and to include signatures of all named plaintiffs.

Plaintiff Ybanez has provided a signed and properly completed prisoner 28 U.S.C. § 1915 form; and Plaintiffs Ybanez, Sue, Samuel Lincoln, Rainer, Rivas, Hazel and Suchaiya have submitted account statements. Plaintiffs Danielson-Grodin, Matt Lincoln, and Demming, however, have not filed a request for leave to proceed without payment of the filing fee or in the alternative paid the fee in full.

Nonetheless, the Court will allow Plaintiffs one final opportunity to cure the remaining deficiencies. Plaintiffs Ybanez, Sam Lincoln, Hazel, Rainer, Rivas, Suchaiya, and Sue will be directed to submit a prisoner account statement that shows all transactions for the six months preceding October 2, 2014, the date Plaintiffs filed this action. Plaintiffs Danielson-Grodin, Matt Lincoln, and Demming will be directed again to submit a request to proceed without payment of the filing fee or in the alternative pay the filing fee in full. If Plaintiffs fail to comply within the time allowed the Complaint and action, or individual parties, will be dismissed without further notice. Accordingly, it is

ORDERED that Plaintiffs Nathan Ybanez, Simon Sue, Sam Lincoln, Atorrus Rainer, Greg Rivas, Dwight Hazel, and Patrick Suchaiya shall submit prisoner account statements that cover the entire six months prior to October 2, 2014, the date Plaintiffs

initiated this action. It is

FURTHER ORDERED that Plaintiffs Mary Danielson-Grodin, Matt Lincoln, and John Demming shall obtain an Application to Proceed in District Court Without Prepaying Fees or Costs (form for nonprisoners to proceed pursuant to 28 U.S.C. § 1915) at www.cod.uscourts.gov, if they desire to proceed without payment of the \$400 filing fee. It is

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

DATED December 17, 2014, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge