

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

Civil Action No. 15-cv-00105-GPG

(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.)

ANDREW LYNN JOHNSON,

Applicant,

v.

JOE PELLE, Boulder County Sheriff,

Respondent.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Applicant Andrew Lynn Johnson currently is detained at the Boulder County Jail in Boulder, Colorado. On January 15, 2015, Plaintiff submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a 42 U.S.C. § 1983 Action, ECF No 1, a Request for Court Appointed Counsel, ECF No. 3, and Motion to Produce Documents in Respondents Care, ECF No. 4. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that Applicant intends to file a Complaint pursuant to 42 U.S.C. § 1983 and the documents are deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue 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) 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:

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (Plaintiff may find the Court-approved forms at www.cod.uscourts.gov.)
- (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 if Plaintiff desires to proceed with this action at this time he shall 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 a Prisoner Complaint form and a 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.

Plaintiff must use the Court-approved forms when curing the deficiencies. 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. It is

FURTHER ORDERED that Plaintiff's Motion to Produce Documents, ECF No. 4 and his Request for Court Appointed Counsel, ECF No. 3, are denied as premature.

DATED January 15, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge