

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

Civil Action No. 15-cv-00719-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.)**

LAMAR DELRAY DAVIS,

Plaintiff,

v.

SEAN McNEELY,  
DEPUTY GREIN,  
DEOUTY O. VALDEZ,  
MEDICAL NURSE BETH TOPOU,  
DEPUTY BRIAN GONZALES,  
MEDICAL NURSE SANDRA DURAN,  
MEDICAL NURSE ADAM, and  
MEDICAL NURSE JENNIFER SCOTT,

Defendants

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff Lamar Delray Davis currently is detained at the Pueblo County Detention Center in Pueblo, Colorado. On April 7, 2015, Plaintiff submitted a partial Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The Complaint includes a caption page (page one of the Prisoner Complaint form), instructions on HP Web Services, and two letters, one addressed to Mrs. Claire Collette LeBeau and that other to Mrs. Sofia (Vergari) Vergara. ECF No. 1. Plaintiff also submitted two letters to the Clerk of the Court. In one letter Plaintiff

requests an attorney, forms, and court dates. ECF No. 5. In the other letter, Plaintiff requests that no funds be taken from his inmate account at the Pueblo County Jail. In all of the letters, Plaintiff uses offensive language. Any future filings that contain offensive language will be stricken by the Court.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that Plaintiff's filings 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)  certified copy of prisoner's trust fund statement does not cover 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 : The § 1915 form Plaintiff submitted is not in proper formatting. Plaintiff is directed to file a new Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that is completed and that properly authorizes withdrawal of funds from his account by the agency holding him in custody for payment, when funds are available, of the \$350 filing fee.

**Complaint, Petition or Application:**

- (11)  is not submitted
- (12)  is not on proper form (Only used caption page of 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 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 the **Clerk of the Court send to Plaintiff two copies of a Court-approved Prisoner Complaint form and of a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form.** Plaintiff is to use these forms in curing the noted 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.

DATED April 8, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher  
United States Magistrate Judge