

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

Civil Action No. 15-cv-00894-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.)

KENNETH HOUCK,

Plaintiff,

v.

[NO NAMED DEFENDANTS],

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On April 27, 2015, Plaintiff submitted a Letter to the Court stating he intends to file claims in this Court and seeking appointment of counsel. See ECF No. 1. Plaintiff's request for an appointment of counsel without a pending action is inappropriate. Even though it is not clear that Plaintiff intends to proceed with a case at this time, and he is required to exhaust administrative remedies before he does proceed with a complaint, to be sure that Plaintiff is provided the benefit of the doubt the Court has initiated this action. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that if Plaintiff intends to proceed with an action at this time, the filing is deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this Court in this action at this time. 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: Rather than proceed pursuant to 28 U.S.C. § 1915, Plaintiff may pay the remainder of the \$400 filing fee in full,

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 Plaintiff 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 the proper form, depending on the type of action Plaintiff intends to file, and the Prisoner's Motion and Affidavit for

Leave to Proceed Pursuant to 28 U.S.C. § 1915 form if desired (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.

DATED April 28, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge