

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01179-GPG

JEREMY PINSON,
MIKEAL GLENN STINE, and
LEROY BUHL,

Plaintiff,

v.

U.S. DEPT. OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
JOHN DIGNAM,
CHARLES ALVAREZ,
T. VIALPANDO, and
DEBRA PAYNE,

Defendants.

ORDER OF DISMISSAL

Plaintiffs are in the custody of the United States Bureau of Prisons (BOP) and currently are incarcerated at the United States Penitentiary in Florence, Colorado. On May 19, 2015, Plaintiffs initiated an action in the United States District Court for the District of Columbia (District of Columbia) claiming violations of the Privacy Act, the Federal Tort Claims Act, and the Tucker Act. Plaintiffs also assert retaliation by BOP staff and Eighth Amendment violations. The District of Columbia transferred the case to this Court on May 29, 2015, pursuant to 28 U.S.C. §§ 1404 and 1406(a), in part because the claims are properly raised in this Court and in part for the convenience of parties and witnesses.

Plaintiffs Stine and Pinson are enjoined from filing a civil complaint in this Court

unless they comply with the requirements of their filing restrictions. *See Pinson v. Kasdon*, No. 13-cv-01384-RM-BNB, ECF No. 123 (D. Colo. May 1, 2014); *see also Stine v. Lappin, et al.*, No. 07-cv-01839-WYD-KLM, ECF No. 344 at 30-32 (D. Colo. Sept. 1, 2009). Because the Complaint does not comply with Plaintiffs Stine's and Pinson's filing restrictions, these Plaintiffs and their claims will be dismissed.

Remaining Plaintiff, Leroy Buhl, will be directed to cure deficiencies if he desires to proceed with this action. Accordingly, it is

ORDERED that Plaintiffs Jeremy Pinson and Mikeal Stine and their claims are dismissed because they have failed to comply with their filing restrictions set forth in *Pinson v. Kasdon*, No. 13-cv-01384-RM-BNB, ECF No. 123 (D. Colo. May 1, 2014), and *Stine v. Lappin, et al.*, No. 07-cv-01839-WYD-KLM, ECF No. 344 at 30-32 (D. Colo. Sept. 1, 2009), respectively. It is

FURTHER ORDERED that Plaintiff Leroy Buhl shall file his claims on a proper Court-approved form used in filing prisoner complaints and shall either submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 Court-approved form or in the alternative pay the \$400 filing fee. It is

FURTHER ORDERED that Plaintiff Buhl shall obtain the proper Court-approved forms used in filing a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, 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 Buhl must use the Court-approved forms when curing the deficiencies. It is

FURTHER ORDERED that if Plaintiff Buhl fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED at Denver, Colorado, this 10th day of June, 2015.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court