

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01361-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.)

SEGRIC DENARD WYCHE, SR.,

Plaintiff,

v.

MR. WINSTON,
MR. P. WALTON,
MS. S. BROWN,
MR. PRICE,
MR. R. THOMAS,
MS. HERLICKSON,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Segric Denard Wyche, Sr., is a prisoner in the custody of the Federal Bureau of Prisons who currently is incarcerated at FCI Florence in Florence, Colorado. On June 24, 2015, Plaintiff, acting *pro se*, initiated this action by filing a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 (ECF No. 2). On July 7, 2015, the Court ordered Plaintiff to cure certain designated deficiencies in his submitted documents. (ECF No. 4). Specifically, the Court noted that Plaintiff's § 1915 Motion was missing an original signature by the prisoner, financial information, and authorization to calculate and disburse filing fee payments. Additionally, the Complaint was missing an original signature and it included factual allegations but did not state any specific claims.

On August 14, 2015, Plaintiff filed a letter attempting to outline his claims and also his financial information from the Federal Bureau of Prisons. However, as part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the submitted documents are also deficient. The letter filed by the Plaintiff was not titled as a "Complaint" and was not on the current court-approved prisoner complaint form. Additionally, the Plaintiff failed to submit an amended § 1915 motion with a signature and an authorization to calculate and disburse filing fee payments. Plaintiff will be given one last opportunity to cure the following if he wishes to pursue his claims in this Court in this action. Any papers that Plaintiff files in response to this Order must include the civil action number noted above in the caption of this Order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted
- (2) is missing affidavit
- (3) is not on proper form (Must use Court-approved form revised 10-1-12)
- (4) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (5) is missing certificate showing current balance in prison account
- (6) is missing authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) other:

Complaint, Petition or Application:

- (9) is not submitted
- (10) is not on proper form (must use the Court's current form)
- (11) is missing an original signature by the prisoner
- (12) is missing page nos.
- (13) uses et al. instead of listing all parties in caption
- (14) names in caption do not match names in text
- (15) 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 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 (Waive Fees) for a Prisoner Complaint action, along with the applicable instructions, at www.cod.uscourts.gov, and use the forms to cure the above noted deficiencies.

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

DATED: August 21, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge