

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

Civil Action No. 16-cv-00001-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.)

SAMUEL CARSON, JR., and
JOYCE CARSON,

Plaintiffs,

v.

COLORADO SPRINGS POLICE DEPARTMENT,
EL PASO COUNTY JAIL,
COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO-PSYCH,
1ST PROPERTIES, INC., CITADEL APARTMENTS,
MC PROPERTY GROUP LLC, and
J.C. NAILS,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

Plaintiffs have submitted to the court a Complaint (ECF No. 1) and a Motion to File Without Payment of Filing Fee (ECF No. 2). Although Samuel Carson, Jr., and Joyce Carson are both listed as Plaintiffs in the captions of these documents, it appears that Joyce Carson is asserting claims on behalf of Samuel Carson, Jr., through a power of attorney. However, Joyce Carson may not represent Samuel Carson, Jr., in this action because a *pro se* litigant may not represent another *pro se* litigant in federal court. See 28 U.S.C. § 1654. If Joyce Carson in fact intends to pursue any claims on her own behalf, she may pursue those claims *pro se*.

As part of the court's review pursuant to D.C.COLO.LCivR 8.1(a), the court has

determined that the documents are deficient as described in this order. Plaintiffs will be directed to cure the following if they wish to pursue any claims in this action. Any papers that Plaintiffs file 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 (must use the court's current form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: each Plaintiff must file an individual motion if both Plaintiffs are asserting claims for relief.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper 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: complaint must be signed by both Plaintiffs personally or by counsel.

Accordingly, it is

ORDERED that Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Plaintiffs file in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Plaintiffs shall obtain the court-approved Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) and Complaint

forms, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Plaintiffs fail to cure all of the designated deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED January 5, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge