

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00084-GPG

TRISTIAN SMITH,

Plaintiff,

v.

IRS,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Tristian Smith has submitted a Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed in District Court without Prepaying Fees or Costs.

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 deficient as described in this Order.

Plaintiff will be directed to cure the following if he wishes to pursue his claims. 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 a certified prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) Plaintiff's prison account is not certified
- (5) is missing required financial information
- (6) is missing an original signature by the prisoner
- (7) is not on proper form (must use the Court's current form)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) is missing a signed authorization to allow agency to disburse funds from inmate account

(10) X other: **Plaintiff contends he has been arrested, therefore, the Court has reason to believe he is a prisoner. Additionally, Plaintiff has provided an address for someone other than himself. Thus, Plaintiff must identify himself to the Court as a prisoner, if indeed he is one, and proceed on the proper forms. To the extent that he is not a prisoner, he must submit an amended Application to Proceed Without Payment that specifically provides the information requested, i.e., income and assets, and Plaintiff's current address.**

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the Court's current form used in filing 28 U.S.C. § 2254 actions)
- (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) other: Addresses of named Defendants are not provided in A. Parties section of the Complaint form.

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 form used in filing a Prisoner's Complaint (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov, for use in curing 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 January 15, 2016, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge