

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

Civil Action No. 16-cv-00139-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.)

BOBBY E. BURTON,

Plaintiff,

v.

WARDEN ANDERSON,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Bobby E. Burton Jr. currently is incarcerated at the Texas-Coffield Prison Unit in Tennessee Colony, Texas. On January 19, 2016, Plaintiff submitted an incomplete Prisoner Complaint form that is not signed or dated and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form that also is not signed or dated and is incomplete.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that Plaintiff's filings are deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue this action. 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) ___ certified copy of prisoner's trust fund statement does not cover 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 : Plaintiff is directed to file a new Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that is completed and that properly authorizes withdrawal of funds from his account by the agency holding him in custody for payment, when funds are available, of the \$350 filing fee.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (Only used caption page of 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: All sections of the complaint form are not properly completed.

Accordingly, it is

ORDERED that if Plaintiff desires to proceed with this action at this time he shall 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 Court-approved Prisoner Complaint form and the Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (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 January 20, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge