

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

Civil Action No. 16-CV-00143-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.)

SHAUN ROSIERE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On January 19, 2016, Plaintiff Shaun Rosiere, a resident of Las Vegas, Nevada, submitted a "Complaint for Relief Pursuant to: Title 5 U.S.C. § 552" (ECF No. 1) and an application to proceed *in forma pauperis* (ECF No. 2).

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. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this Court in this action. Any papers that Plaintiff files in response to this Order must include the civil action number on this Order.

The Court also has reviewed the Public Access to Court Electronic Records (PACER) and found that Plaintiff has filed two identical law suits in different federal district courts: one in the District of Nevada (*see Rosiere v. USA*, 2:15-cv-02187 (D.

Nev.) and the other in the District of New Jersey (*see Rosiere v. USA*, 3:16-cv-341 (D.N.J.)) In each of these cases, Plaintiff names the United States of America as the defendant and asserts the same claims based on alleged violations of the Freedom of Information Act (FOIA).

Plaintiff is warned that this Court does not tolerate the abuse of the federal court system and any attempt by Mr. Rosiere to relitigate the same issues that were addressed previously or are currently pending in other federal district courts will result in filing restrictions. The Court, nonetheless, will allow Plaintiff to cure the deficiencies noted below. Plaintiff, however, is to assert only claims that are properly raised in this Court and that have not been decided by -- or are currently pending -- in another federal district court.

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 Court-approved form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other:

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (Must use Court-approved 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:

Accordingly, it is

ORDERED that Plaintiff comply with this Order and 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 Complaint form and Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), along with the applicable instructions, at www.cod.uscourts.gov, and use those forms to cure 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 21, 2016, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge