

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

Civil Action No. 16-cv-326-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.)

JASON D. STEELE,

Plaintiff,

v.

DEPUTY BOYD,
DEPUTY SHARK,
DEPUTY WALSH,
SGT MAURORE,
CAPTAIN SMITH
NURSE NAME UNKNOWN,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Jason D. Steele, is currently detained at the Denver County Jail. On February 9, 2016, he submitted *pro se* a Prisoner Complaint (ECF No. 1) based on events that occurred while he was detained at the Clear Creek County Jail.

On February 11, 2016, the court reviewed the Complaint pursuant to D.C.COLO.LCivR 8.1(b) and determined it was deficient. The Court ordered Mr. Steele to cure the designated deficiencies within thirty days if he wished to pursue his claims in this action. (ECF No. 3). Specifically, the Court directed Mr. Steele that he must submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or else pay the filing fee. Additionally, the Court ordered Plaintiff to submit a Complaint that included addresses for the defendants.

In response to the Court's Order, Mr. Steele submitted a "Prisoner's Motion and Affidavit For Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24" and the "Parties" section of a complaint. (ECF No. 4). However, these submitted documents are still deficient.

The § 1915 Motion Plaintiff submitted is on the wrong form. Mr. Steele used the court-approved § 1915 Motion form for filing appeals, instead of the court-approved § 1915 Motion form associated with filing a Prisoner Complaint. Further, Mr. Steele cannot submit one page of a complaint in order to cure noted deficiencies; instead, a complete complaint, with all of the pages, must be submitted. The Court will not piece together separate pages, filed at different times, in order to compile a complete complaint. Further, the "Parties" section that was submitted by Plaintiff still did not include addresses for the Defendants. Therefore, Plaintiff will be directed to cure the following if he wishes to pursue any claims in this action.

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
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: In the alternative, Plaintiff may pay the \$400.00 filing fee.

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) X addresses must be provided for all defendants/respondents in “Section A. Parties” of complaint, petition or habeas application
- (18) X other: Plaintiff must cure the deficiencies in the complaint and submit a complete complaint to the court.

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) 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 the Clerk of Court shall mail Plaintiff the court-approved Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and Plaintiff shall use this form if he wishes to proceed *in forma pauperis*. It is

FURTHER ORDERED that Plaintiff shall obtain the court-approved Prisoner Complaint form (with the assistance of his case manager or the facility’s legal assistant), along with the applicable instructions, at www.cod.uscourts.gov and use this form to cure the deficiencies. It is

FURTHER ORDERED that if Plaintiff fails to cure 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 February 25, 2016, at Denver, Colorado.

BY THE COURT:
s/ Gordon P. Gallagher
United States Magistrate Judge