

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

Civil Action No. 18-cv-00624-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.)

PAUL W. BERGRIN, and all others similarly situated,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE (Jeffrey Sessions, United States Attorney General),
UNITED STATES FEDERAL BUREAU OF PRISONS,
MARK INCH, Director, and
JOHN AND JANE DOES, et al.,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Paul W. Bergrin is incarcerated at the U.S. Penitentiary ADMAX in Florence, Colorado. On March 15, 2018, he filed *pro se* a “Motion for Declaratory Judgment” (ECF No. 1). As part of the Court’s review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the filing is deficient as described in this Order. Plaintiff is directed to cure the following deficiencies if he wishes to pursue claims in this action. Any papers that Plaintiff files in response to this Order must be labeled with the civil action number identified on this Order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) xx is not submitted: pursuant to 28 U.S.C. § 1915(b)(1), “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee”; however, a prisoner may request permission to proceed “without prepayment of fees or security

- therefor" under 28 U.S.C. § 1915(a)(2).
- (3) ___ is missing affidavit
 - (4) xx 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) xx 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) xx other: motion and supporting documents are necessary only if filing and administrative fees totaling \$400.00 are not paid in advance.

Complaint, Petition or Application:

- (11) ___ is not submitted
- (12) xx is not on proper form: pursuant to Rule 5.1(c) of the Local Rules of Practice of the United States District Court for the District of Colorado – Civil, "[i]f not filed electronically, an unrepresented prisoner or party shall use the procedures, forms, and instructions posted on the court's website."
- (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 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 be labeled with the civil action number identified on this Order. It is

FURTHER ORDERED that Plaintiff shall obtain and utilize the current Court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that the Clerk of Court is directed to mail to Plaintiff, with a copy of this Order, one blank copy each of the current Court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms. It is

FURTHER ORDERED that, if Plaintiff fails 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. It is

FURTHER ORDERED that the "Motion for Declaratory Judgment" (ECF No. 1) is DENIED WITHOUT PREJUDICE as premature.

DATED March 19, 2018, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge