

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02064-ZLW

TERRY L. NICHOLS, and,  
MARK J. ALLEN,

Plaintiffs,

v.

UNITED STATES OF AMERICA,  
HARVEY LAPPIN,  
JOHN/JANE DOE,  
MICHAEL NALLEY,  
MS. PERRY,  
RON WILEY,  
ROD BAUER,  
DR. LEYBA, M.D.,  
DR. STEVEN NAFZIGER, M.D.,  
DARRON GALL,  
MR. JONES,  
KEITH POWLEY,  
DR. THOMAS WEBSTER, M.D.,  
DR. DORRIS WILLIAMS, M.D.,  
JOHN DOE 1,  
DR. NEWTON KENDING, M.D.,  
DONALD DENNEY,  
D. SCHIEFELBEIN,  
N. GLADBACH, and  
B. DALGLIESH,

Defendants.

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ORDER TO CURE DEFICIENCY

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Weinshienk, Senior Judge

Plaintiff, Mark J. Allen submitted a Misdirected Notice of Appeal on December 30, 2008.

The court has determined that the document is deficient as described in this order.

Plaintiff, Mark J. Allen will be directed to cure the following if he wishes to pursue this appeal.

**(A) Filing Fee**

is not submitted

**(B) Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24:**

is not submitted

is missing affidavit

is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing

is missing required financial information

is missing an original signature by the prisoner

is not on proper form (must use the court's current form)

other \_\_\_\_\_

Accordingly, it is

ORDERED that Plaintiff, Mark J. Allen cure the deficiencies designated above within 30 days from the date of this order. Any papers that Plaintiff, Mark J. Allen filed in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiff Mark J. Allen, together with a copy of this order, an original and one copy of the following forms: Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24.

It is

FURTHER ORDERED that, if Plaintiff, Mark J. Allen fails to cure the designated deficiencies within 30 days from the date of this order, the court of appeals will be so notified.

DATED at Denver, Colorado this 7 day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Zita L. Weinsienk". The signature is written in a cursive style with a horizontal line underneath.

ZITA L. WEINSHIENK, Senior Judge  
United States District Court