

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01549-ZLW

RICHARD MARTINEZ,

Plaintiff,

v.

EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF CORRECTIONS, and
WARDEN OF STERLING CORRECTIONAL FACILITY,

Defendants.

ORDER TO CURE DEFICIENCY

Weinshienk, Senior Judge

Plaintiff submitted a Notice of Appeal on January 12, 2010. The court has determined that the document is deficient as described in this order. Plaintiff will be directed to cure the following if he wishes to pursue this appeal.

(A) Filing Fee

X 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:

X 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 cure the deficiencies designated above within 30 days from the date of this order. Any papers that Plaintiff 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, 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 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 21st day of January, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge for
ZITA LEESON WEINSHIENK
Senior Judge, United States District Court