

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-002265-WYD-BNB

JOSEPH A. ELLSWORTH,

Plaintiff,

v.

PAT MONTEZ,  
CHARLES OLIN,  
A. ZAVARAS,  
CATHY HOIST,  
MARSHALL GRIFFITH,  
PAULA FRANTZ, and  
BURL MCCULLAR,

Defendants.

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ORDER TO CURE DEFICIENCY

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This matter comes before the Court on Plaintiff's Notice of Intent to Appeal, [doc.#14], filed November 13, 2009. The Court has determined that the document is deficient as described in this order. Plaintiff is 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: November 19, 2009

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
UNITED STATES DISTRICT JUDGE