

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

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

JAN 31 2011

GREGORY C. LANGHAM  
CLERK

Civil Action No. 11-cv-00169-BNB

**(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.)**

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

CAPTAIN H. HUERTAS,  
LIEUTENANT TITEMAN,  
SERGEANT FRETWELL,  
SERGEANT WEST,  
C/O P. ARCHULETA,  
C/O SUTER,  
C/O J. ENGLEHART, and  
C/O D. JOHNSON,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted documents are deficient as described in this order. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which the Plaintiff files in response to this order must include the civil action number on this order.

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

- (1)    \_\_\_    is not submitted  
(2)    \_\_\_    is missing affidavit

- (3)  X  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 an original signature by the prisoner
- (7)  X  is not on proper form (must use the court's current form)
- (8)  —  names in caption do not match names in caption of complaint, petition or habeas application
- (9)  —  An original and a copy have not been received by the court.  
Only an original has been received.
- (10)  X  other:  Motion is necessary only if \$350.00 filing fee is not paid in advance.

**Complaint, Petition or Application:**

- (11)  —  is not submitted
- (12)  —  is not on proper form (must use the court's current 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)  —  An original and a copy have not been received by the court. Only an original has been received.
- (17)  —  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18)  —  names in caption do not match names in text
- (19)  —  other  —————

Accordingly, it is

ORDERED that the Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the Plaintiff files 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 the Plaintiff, together with a copy of this order, two copies of the following form: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that, if the Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED January 31, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO


**CERTIFICATE OF MAILING**

Civil Action No. 11-cv-00169

Jose Medina Escobar  
Prisoner No. 48895  
Centennial Correctional Facility  
PO Box 600  
Canon City, CO 81215

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** to the above-named individuals on January 31, 2011.

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk