

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 24 2011

Civil Action No. 11-cv-00355-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.)

GREGORY C. LANGHAM
CLERK

DARWYNN L. BARWICK,

Plaintiff,

v.

GERALD WHITMAN, Chief of Police, and
PHIL DEEDS, Chief of Sheriff,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff has submitted a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Complaint. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, 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 Plaintiff files in response to this Order must include the civil action number on this Order.

In accordance with the United States District Court for the District of Colorado Local Rules of Practice, Local Rule 8.1 A., Plaintiff is required to file his claims on a Court-approved form used in filing civil complaints. Although Plaintiff has submitted the Court-approved form, he has not completed the form but rather refers to a nonconforming complaint form that he has prepared. The Court also notes that

Plaintiff's pleading does not comply with Local Rule 10.1.B, which requires that documents are to be filed with the Court on 8 ½ by 11-inch paper. Plaintiff has typed his pleadings sideways on an 11 by 8 ½ inch paper. Plaintiff is instructed to use the Court-approved form and to not write or type sideways on any attached page he submits with the Court-approved form.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) is not submitted
- (2) is not on proper form (must use the court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) An original and a copy have not been received by the court.
Only an original has been received.
- (9) other _____

Complaint or Petition:

- (10) is not submitted
- (11) is not on proper form (must use the Court's current form)
- (12) is missing an original signature by the Plaintiff
- (13) is incomplete
- (14) uses et al. instead of listing all parties in caption
- (15) An original and a copy have not been received by the court. Only an original has been received.
- (16) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) names in caption do not match names in text
- (18) other: Addresses must be provided for all Defendants in Section "Parties" on page 2 of the Complaint and fails to comply with Local Rules 8.1A. and 10.1B.

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that 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 Plaintiff, together with a copy of this Order, copies of the following form: Complaint. It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiencies **within thirty 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 February 24, 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-00355

Darwynn L Barwick
1422 Valentia St #C
Denver, CO 80220

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Complaint form** to the above-named individuals on February 24, 2011.

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk