

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00367-WYD-KLM

RYAN ALEXANDER PETTIGREW,

Plaintiff,

v.

EXECUTIVE DIRECTOR, ARISTEDES ZAVARES, [sic],
WARDEN SUSAN JONES,
WARDEN LARRY REED,
INTELLIGENCE OFFICER SGT. DENT,
INTELLIGENCE OFFICER SGT. SANDRA CROSS,
CORRECTIONAL OFFICER LT. DANIEL STRAWN,
FOOD SERVICE AND LAUNDRY PROGRAMS MANAGER DONA ZAVISLAN,
GRIEVANCE OFFICER ANTHONY A DECESARO,
PROGRAMS MAJOR MACAIN HILDEBRAND,
PROGRAMS SUPERVISOR MARK MCCORMICK,
REGIONAL COORDINATOR FAITH AND CITIZENS PROGRAMS DARRYL PROFFIT,
CASE MANAGER JOHN DOE,
CASE MANAGER CHAVEZ,
CASE MANAGER KYLE BUFFUM,
PAROLE BOARD MEMBER DEBORAH C. ALLEN,
PAROLE BOARD VICE CHAIR BECKY R. LUCERO,
PAROLE BOARD MEMBER CELESTE M. C. DE BACA,
PAROLE BOARD MEMBER MICKEY HECKENBACH,
PAROLE BOARD MEMBER LESLEE V. WAGGENER,
PAROLE BOARD CHAIRMAN DAVID L. MICHAUD, and
HEARINGS OFFICER DALE BURKE,

In their Individual and Official Capacities,

Defendants.

ORDER TO CURE DEFICIENCY

Daniel, Chief Judge

Plaintiff submitted a Notice of Appeal on May 27, 2011. The court has determined that the document is deficient as described in this order. While Plaintiff was granted *ifp* status in the present matter, that does not, as he supposes, stay with the case on its

appeal.

[W]e hold that a prisoner seeking to proceed *ifp* on appeal from a judgment in a civil action or proceeding must file a new motion in the district court together with a supporting affidavit and a certified copy of the prisoner's trust fund account statement for the six-month period immediately prior to the filing of the notice of appeal. It must be done regardless of the prisoner's *ifp* status in the district court. See 28 U.S.C. § 1915(a); Fed. R.App. P. 24(a)(1)[.]

Boling-Bey v. U.S. Parole Com'n, 559 F.3d 1149, 1153 (10th Cir. 2009).

Plaintiff is 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 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 this 31st day of May, 2011.

BY THE COURT:

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