

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

Civil Action No. 11-cv-01422-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.)**

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

JUN -6 2011

DWAYNE VILLAFUERTE,

Plaintiff,

GREGORY C. LANGHAM  
CLERK

v.

THE CITY AND STATE OF PUEBLO COLORADO,  
THE PUEBLO COUNTY DISTRICT ATTORNEYS OFFICE,  
MS. JENNIFER ZAMARIPPA, The Pueblo County District Attorneys Office,  
MR. BILL THIEBAUT, The Pueblo County District Attorneys Office, and  
PUEBLO COUNTY DISTRICT JUDGE KATHLEEN HERN,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Complaint, a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a document titled "42 U.S.C. Section 1983 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)  is missing certified copy of prisoner's trust fund statement for the 6-month

- period immediately preceding this filing: (Account statement submitted is not certified by an appropriate official of Plaintiff's penal institution.)
- (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)  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)  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: Plaintiff is a prisoner and must submit his complaint on the Court's "Prisoner Complaint" 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 forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint.

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 June 6, 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-01422-BNB

Dwayne Villafuerte  
Pueblo County Detention Center  
909 Court Street  
Pueblo, CO 81003

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 and Prisoner Complaint forms** to the above-named individuals on June 6, 2011.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

  
Deputy Clerk