

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 06 2011

GREGORY C. LANGHAM
CLERK

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

Civil Action No. 11-cv-01695-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.)

PEDRO NIVAL,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS/EXECUTIVE DIRECTOR TOM CLEMENTS, et al.,
CROWLEY COUNTY CORRECTION [sic] FACILITY WARDEN RICHARD SMELSER, et al.,
CCCF CLINICAL SERVICES DIRECTOR JUDY BREZINDINE,
CCCF HMO PROVIDER DR. JERE SUTTON,
CCCF N/P LYNN THOMPSON, and
CASE MANAGER TIANA LUCERO,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff has submitted the following documents: 1) a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; 2) a Prisoner Complaint; 3) a Notice of Civil Action; 4) a Notice of Claim and Statement of Damages; 5) an Affidavit and Incident Report; 6) a Letter to the clerk of the court; and 7) a Letter of Intent to each of the named defendants. 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
- (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: _____

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 deficiency 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, 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 at Denver, Colorado, this 6th day of July, 2011.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01695-BNB

Pedro Nival
Prisoner No. 135614
Crowley County Corr. Facility
6564 State Hwy. 96
Olney Springs, CO 81062-8700

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on July 6, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk