

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

**AUG 09 2011**

**GREGORY C. LANGHAM**  
**CLERK**

Civil Action No. 11-cv-02003-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.)**

TONY SCHMID,

Plaintiff,

v.

CORNELL CORRECTIONS OF AMERICA,  
WARDEN VEACH,  
DR. SUNTHANKER,  
DR. KYROS IPAKTCHI, and  
TIMOTHY F. LYDEN,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff, Tony Schmid, a state prisoner currently incarcerated in the Hudson Correctional Center in Hudson, Colorado, originally filed a civil rights action in the United States District Court for the District of Alaska. The District of Alaska determined that the action is properly filed in the United States District Court for the District of Colorado and entered an order that transferred the action to this Court.

Plaintiff has submitted a "Prisoner's Complaint under the Civil Rights Act 42 U.S.C. § 1983 with State Common Law Torts," a Prisoner's Application to Waive Prepayment of Fees, and a Civil Cover Sheet. As part of this Court's review pursuant to D.C.COLO.LCivR 8.2, this 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 that 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 required financial information
- (5)  is missing an original signature by the prisoner
- (6)  is not on proper form (must use the Court's current form)
- (7)  Names in caption do not match names in caption of complaint, petition or habeas application
- (8)  An original and a copy have not been received by the Court. Only an original has been received.
- (9)  Other: Motion is necessary only if \$350.00 filing fee is not paid in advance.

**Complaint, Petition or Application:**

- (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 prisoner
- (13)  is missing page nos. \_\_\_\_
- (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/Plaintiff have not been received by the court.
- (17)  Names in caption do not match names in text
- (18)  Other \_\_\_\_\_

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this Order**. Any papers that Plaintiff files in response to this Order must include the civil action number on the Order. It is

FURTHER ORDERED that the Plaintiff shall obtain the court-approved

Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

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

DATED August 9, 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-002003-BNB

Tony Schmid  
Prisoner No. 517018  
Hudson Correctional Center  
3001 N Juniper St  
Hudson, CO 80642

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on August 9, 2011.

GREGORY C. LANGHAM, CLERK

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

  
Deputy Clerk