

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

SEP 13 2011

GREGORY C. LANGHAM
 CLERK

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

Civil Action No. 11-cv-02342-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.)

FRANKIE LYNNETT McCONNELL,

Plaintiff,

v.

DEBRA REILLY, and
 ANDREA CIRBO, Supervisor,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff has submitted two similar but slightly different Prisoner Complaints against two different defendants and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 she wishes to pursue her claims. Specifically, Plaintiff should name all defendants and list all claims in one complaint. 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) X other: Account statement 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 (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) X names in caption do not match names in text
- (19) X other: Names in caption do not match the names in Section "A. Parties" on page 2 of the Prisoner Complaint; and Plaintiff should name all defendants and list all claims in one complaint

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 Plaintiff shall obtain the court-approved Prisoner Complaint form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. 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 13th day of September, 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-02342-BNB

Frankie Lynnett McConnell
Prisoner No. 63672
La Vista Correctional Facility
PO Box 3
Pueblo, CO 81002

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on September 13, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk