

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02822-BNB

JAMES M. BERTOLO,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,  
TONY CAROCHI, Director of Prisons,  
PAMELA J. PHOUGHE, Warden CTCF, and  
MR. BENEZEE, Lieutenant CTCF,

Defendants.

---

**MINUTE ORDER**

---

ORDER ENTERED BY MAGISTRATE JUDGE BOYD N. BOLAND

On November 7, 2011, the Court entered an order directing Plaintiff to cure certain deficiencies in this case within thirty days of the Court's order. On December 2, 2011, Plaintiff filed a certified copy of his prisoner's trust fund statement that complies with the November 7 Order. However, the [amended] Complaint filed by Plaintiff on December 2, 2011 is not on the court-approved Prisoner Complaint form, as directed by the November 7, 2011 Order. Furthermore, Plaintiff has not submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on the court-approved form, as directed by the November 7 Order. The Court will grant Plaintiff an extension of time to cure the remaining deficiencies. Accordingly, it is

HEREBY **ORDERED** that **on or before January 3, 2012**, Plaintiff shall submit an amended Complaint on the court-approved Prisoner Complaint form, along with a court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Plaintiff can obtain the court-approved 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). Failure to comply with this Minute Order and with the November 7 Order will result in dismissal of this action without prejudice and without further notice. It is

FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (Doc. #8) and Motion to distribute documents to all parties (Doc. #9), which the Court construes liberally as a motion to commence discovery, are denied as premature.

Dated: December 5, 2011

---