

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

Civil Action No. 11-cv-03014-BNB

KURT A. ZELLNER,

Plaintiff,

v.

DENVER SHERIFF,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On November 18, 2011, Plaintiff, Kurt A. Zellner, filed a "Motion to: File Without Payment of Filing Fee." As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, the Court has determined that the submitted document is deficient as described in this Order and that Plaintiff is seeking to file a prisoner complaint. 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.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) is not submitted
- (2) is not on proper form (must use the court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) other: Motion is necessary only if \$350.00 filing fee is not paid in advance.

Complaint or Petition:

- (9) is not submitted

- (10) ___ is not on proper form (must use the court's current form)
- (11) ___ is missing an original signature by the Plaintiff
- (12) ___ is incomplete
- (13) ___ uses et al. instead of listing all parties in caption
- (14) ___ names in caption do not match names in text
- (15) ___ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (16) ___ other _____

Accordingly, it is

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

FURTHER ORDERED that Plaintiff shall obtain the Court-approved Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form and a Prisoner Complaint form (with the assistance of a jail employee), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies **within thirty 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 November 22, 2011, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge