

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01842-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.)**

PHILIP J. RUBIN,

Plaintiff,

v.

COLORADO HIGHWAY PATROL,  
BRETT HILLING, Colorado Highway Patrolman,  
ROUTT COUNTY SHERIFF'S DEPARTMENT, and  
JOHN DOES 1 and 2, Routt County Sheriffs,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Complaint (ECF No. 1) and an "Application to Proceed *In Forma Pauperis*" (ECF No. 3). As part of the court's review pursuant to D.C.COLO.LCivR 8.1, 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 in this action. 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) xx 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 \_\_\_\_\_

Plaintiff also is directed to refrain from submitting personal information to the court, such as his bank account statements and account numbers. The court's docketing records are public records and the documents Plaintiff has submitted contain personal information that is not appropriate for placement in the public domain. As a result, those documents will be filed under restricted access. Accordingly, it is

ORDERED that Plaintiff cure the deficiency 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 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, 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. It is

FURTHER ORDERED that pursuant to D.C.COLO.LCivR 7.2., the clerk of the court shall restrict access to ECF No. 3 consistent with a Level 2 restriction.

DATED at Denver, Colorado, July 17, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge