

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

Civil Action No. 12-cv-01878-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.)

ISAAC JOHN GALINDO,

Plaintiff,

v.

ANTHONY MARZALES,
OLGA COSTA DAVIS, and
VICTOR REYES,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff has submitted a *pro se* Prisoner Complaint 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 he wishes to pursue his claims. Any papers that 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 does not need to be notarized; instead, it must be certified by the appropriate official at Plaintiff's facility)
- (4) is missing certificate showing current balance in prison account (account statement submitted is not certified)

- (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) X 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) ___ names in caption do not match names in text
- (16) ___ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) ___ other

Accordingly, it is

ORDERED that the Plaintiff cure the deficiency 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, if the Plaintiff fails to cure the designated deficiency **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 the "Motion to Summons in a Civil Action" (ECF No. 6) is DENIED as premature. It is

FURTHER ORDERED that the "Motion to Make Request from Clerk of Courts" (ECF No. 5), in which Plaintiff requests that the Court send him a copy of his Complaint, is DENIED. Mr. Galindo may obtain copies of the electronic documents filed in this action at a cost of fifty cents per page, to be paid in advance. Mr. Galindo is advised to

keep his own copies of any documents that he files with the Court because the Court's electronic filing system does not allow the Court to maintain paper copies.

DATED July 19, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge