

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

Civil Action No. 12-cv-01924-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.)**

GREGORY L. MAKOWSKI,

Plaintiff,

v.

ALLIED INTERSTATE LLC, a Minnesota limited liability company,

Defendant.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff has submitted a *pro se* “Application to Proceed in District Court without Prepaying Fees or Costs” and a Complaint. 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. The Court notes that the Complaint is signed by Brian William Wallace, who indicates that he is an advocate for the named Plaintiff. There is no indication that Mr. Wallace is a licensed attorney. Therefore, Mr. Wallace may not represent Plaintiff in this action. See 28 U.S.C. § 1654.

Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which the 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)   X   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)  An original and a copy have not been received by the court. Only an original has been received.
- (9)  other: Motion is necessary only if \$350.00 filing fee is not paid in advance.

**Complaint or Petition:**

- (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 Plaintiff
- (13)  is incomplete
- (14)  uses et al. instead of listing all parties in caption
- (15)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other \_\_\_\_\_

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 Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 forms, along with the applicable instructions, at [www.cod.uscourts.gov](http://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 25th day of July, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge