

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

Civil Action No. 12-cv-02007-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.)

DEAN CARBAJAL,

Plaintiff,

v.

DAN HOTSENPILLER, District Attorney of the Seventh Judicial District, in his individual and official capacity,

SEITH RYAN, Deputy District Attorney of the Seventh Judicial District, in his individual and official capacity,

WYATT ANGELO, Former District Attorney of the Seventh Judicial District, in his individual capacity,

MYRL SERRA, Former Deputy District Attorney and Former District Attorney of the Seventh Judicial District, in his individual capacity,

SEVENTH JUDICIAL DISTRICT, a Political Subdivision of the State of Colorado,

JEFF HERRON, a Private Co-conspirator, in his individual capacity,

CLINT THOMASON, an Agent for the Colorado Bureau of Investigation, in his individual and official capacity,

ROGER CROSS, Police Officer for the Montrose Police Department, in his individual capacity,

OFFICER BROWN, Police Officer for the Montrose Police Department, in his individual capacity,

CITY OF MONTROSE, a Municipality of the State of Colorado,

PATRICK SAYAS, Assistant Attorney General for the State of Colorado, in his individual and official capacity,

TERRY RUCKRIEGLE, District Court Judge for the Seventh Judicial District, in his individual and official capacity,

BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, a Political Subdivision of the State of Colorado, and

MONTROSE COUNTY, a County of the State of Colorado,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff has submitted *pro se* a Motion and Affidavit for Leave to Proceed

Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the 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 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 statements submitted do not cover the entire 6-month period and/or are not certified by a prison official)
- (4) is missing certificate showing current balance in prison account
- (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 for prisoners)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) other: _____

Complaint, Petition or Application:

- (10) is not submitted
- (11) is not on proper form (must use the court's current Prisoner 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 Plaintiff cure the deficiencies 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 Prisoner's

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (with the assistance of his case manager or the facility's legal assistant), 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 (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 August 6, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge