

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

Civil Action No. 12-cv-02419-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.)

BENJAMIN JOSEPH, Executor, Estate Known as Benjamin Joseph Morris, Including
Estate Known as Silas DeWayne Morris,

Plaintiff,

v.

DISTRICT COURT, Arapahoe County, Colorado, 7325 S. Potomac Street, Centennial,
Colorado, 80112, and
MAGISTRATE ROBERT R. LUNG, 7325 Potomac Street, Centennial, Colorado, 80112,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Benjamin Joseph, currently resides in Lakewood, Colorado. Mr. Joseph has submitted a pleading titled, "Claim of Relief" and Motion to Proceed as Waiver of Filing Fees. Mr. Joseph also filed a Motion requesting permission to amend the civil cover sheet and an Amended Claim of Relief.

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. Mr. Joseph will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Joseph 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:

Complaint or Petition:

- (9) ___ is not submitted
- (10) X 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 Mr. Joseph cure the deficiencies designated above **within thirty days from the date of this Order**. It is

FURTHER ORDERED that Mr. Joseph shall obtain the Court-approved form used in filing a Complaint and a 28 U.S.C. § 1915 Motion and Affidavit, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that if Mr. Joseph fails to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the Court will refrain from addressing Defendants' Motion to Dismiss until the D.C.COLO.LCivR 8.1 review has been completed. It is

FURTHER ORDERED that Mr. Joseph's Motion, ECF No. 8, is denied as moot.

DATED October 4, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge

