

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

Civil Action No. 12-cv-02796-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.)

THOMAS GRAHAM,

Plaintiff,

v.

TELLER COUNTY, COLORADO,
THE CITY OF CRIPPLE CREEK, COLORADO,
MIKE ENSMINGER, Teller County Sheriff, in his official and individual capacity,
STAN BISHOP, Teller County Undersheriff, in his individual capacity,
DETECTIVE ROMERO, Teller County Sheriff's Office Deputy, in his official and individual capacity,
"JOHN DOE #1," Teller County Sheriff's Office Deputy, in his official and individual capacity,
JOSH WEATHERILL, Teller County Sheriff's Office Deputy and Member of Teller County Emergency Response, in his individual capacity,
NICK HARTBAUER, Teller County Sheriff's Office Deputy and Member of Teller County Emergency Response, in his individual capacity,
JESSE BAKER, Tactical Medic of the Teller County Emergency Response, in his individual capacity, and
APRIL PETERSON, Cripple Creek Chief of Police, in her individual capacity,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff, Thomas Graham, currently is incarcerated at the Teller County Detention Facility in Divide, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a motion titled "Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees (non-PLRA)" (ECF No. 3) and a Complaint (ECF No. 1).

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 Plaintiff files in response to this order must include the civil action number noted above in the caption of 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
- (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)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) An original and a copy have not been received by the court. Only an original has been received.
- (10) other:

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the court's current form)
- (13) is missing an original signature by the prisoner
- (14) is missing page nos.
- (15) uses et al. instead of listing all parties in caption
- (16) An original and a copy have not been received by the court. Only an original has been received.
- (17) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18) names in caption do not match names in text
- (19) other:

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty 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 and Prisoner Complaint forms (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov, and used those forms in curing the designated deficiencies. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this order**, the action will be dismissed without further notice.

DATED: October 23, 2012, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge