

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03068-LTB

JACOB R. GASIOROWSKI,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security Administration,

Defendant.

---

ORDER REINSTATING CASE

---

Plaintiff, Jacob R. Gasiorowski, acting *pro se*, initiated this action on November 21, 2012, by filing a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On November 28, 2012, Magistrate Judge Boyd N. Boland instructed Plaintiff to cure certain deficiencies if he wished to pursue his claims. Plaintiff was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days. On January 3, 2013, the Court dismissed the action because Plaintiff had failed to properly complete the § 1915 motion and affidavit and to include additional information in his Complaint regarding the exhaustion of administrative remedies.

Unbeknownst to the Court, but prior to January 3, counsel entered an appearance for Plaintiff. Counsel also submitted a properly completed § 1915 motion and affidavit and documentation of Plaintiff's exhaustion of his administrative remedies. Because Plaintiff complied with the November 28 Order within the time allowed, (in

accordance with District of Colorado ECF Civil Procedure 5.2A.), the Court finds that the interests of justice would be served by vacating the order dismissing this action.

Accordingly, it is

ORDERED that the Order of Dismissal, ECF No. 9, and the Judgment, ECF No. 10, entered in this action on January 3, 2013, are VACATED. It is

FURTHER ORDERED that the Clerk of the Court reinstate and return this action to the Pro Se Docket for further review under 28 U.S.C. § 1915(e)(2).

DATED at Denver, Colorado, this 11th day of January, 2013.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court