

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00009-BNB

MATTHEW A. SMITH,

Plaintiff,

v.

GMAC MORTGAGE,

Defendant.

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ORDER GRANTING PLAINTIFF LEAVE TO PROCEED  
PURSUANT TO 28 U.S.C. § 1915

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Plaintiff initiated this action by filing *pro se* a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). On February 4, 2013, Plaintiff filed an amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 9). The amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 will be granted solely on the basis of inability to prepay fees or give security therefor. Accordingly it is

ORDERED that the amended Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 9) is GRANTED. It is

FURTHER ORDERED that the original Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) is DENIED as moot. It is

FURTHER ORDERED that the court review the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if the complaint is frivolous or malicious, fails to state a

claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. It is

FURTHER ORDERED that process shall not issue at this time. It is

FURTHER ORDERED that the Motion for Cured Deficiency (ECF No. 8) is DENIED as unnecessary.

DATED February 5, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge