

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00109-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.)**

LARRY BARNES,

Plaintiff,

v.

MITCHELL R. MORRISSEY, in his individual capacity, District Attorney, City and Count  
of Denver,

GARY WILSON, in his individual capacity, Director, Denver Sheriff Department, and  
DENVER SHERIFF DEPARTMENT,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff has submitted a Prisoner Complaint and a Prisoner's Motion and Affidavit for Leave to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915. However, Plaintiff has filed a change of address with the Court (ECF No. 4) indicating that he has been released from jail. If Plaintiff is no longer a prisoner, he must submit his § 1915 motion on the court-approved form for non-prisoners. 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. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers that the Plaintiff 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 form for non-prisoners)
- (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)  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 the Plaintiff cure the deficiency designated above **within thirty (30) days from the date of this order**. Any papers which the Plaintiff files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the Plaintiff shall obtain the court-approved non-prisoner Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that, if the 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. It is

FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order on Mr. Barnes at the following addresses:

#328028

5072 Upton Court

Denver County Jail  
P.O. Box 1108  
Denver, CO 80201-1108

Denver, CO 80239

DATED January 23, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge