

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00388-BNB

ADRIAN VALDEZ,

Plaintiff,

v.

CHRISTIAN STOB, Denver Health Medical Center,  
CAT METZGER, Denver Health Medical Center, and  
DENVER SHERIFF'S DEPARTMENT MEDICAL DEPARTMENT, et al.,

Defendants.

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THIRD ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

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Plaintiff, Adrian Valdez, initiated this action by filing *pro se* a "Complaint Pursuant to 42 U.S.C. 1983" and an uncertified copy of his inmate trust fund account statement for the period from January 11, 2013, through February 11, 2013. On February 14, 2013, the court entered an order directing Mr. Valdez to cure certain deficiencies if he wishes to pursue his claims in this action. More specifically, the court directed Mr. Valdez to file on the proper form a Prisoner Complaint and either to pay the \$350.00 filing fee or to file a properly supported Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

On February 26, 2013, the copy of the court's February 14 order that was mailed to Mr. Valdez was returned to the court undelivered. On March 8, 2013, Mr. Valdez filed a notice of change of address that indicates he had been released from prison.

On March 11, 2013, the court entered a second order directing Mr. Valdez to

cure the deficiencies in this action by filing on the proper form an amended pleading and by either paying the \$350.00 filing fee or filing a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, because he no longer was a prisoner, Mr. Valdez was directed to use the court-approved nonprisoner forms to cure the deficiencies.

On April 12, 2013, Mr. Valdez filed a letter to the court in which he indicates he currently is incarcerated at the Denver County Jail. Mr. Valdez states in the letter that he may be incarcerated at the jail for thirty days. He also states that he needs to know the status of his case and what to do to pursue his claims.

Mr. Valdez will be give one final opportunity to cure the deficiencies in this action. In order to cure the deficiencies, Mr. Valdez must file an amended pleading on the court-approved form and he must either pay the \$350.00 filing fee or file a properly supported motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on the court-approved form. Because Mr. Valdez alleges he is incarcerated, he must use the court-approved prisoner forms to cure the deficiencies. If his custody status changes again, Mr. Valdez may be required to file additional papers using court-approved nonprisoner forms. Accordingly, it is

ORDERED that Mr. Valdez cure the deficiencies specified in this order **within thirty (30) days from the date of this order**. It is

FURTHER ORDERED that Mr. Valdez shall obtain the court-approved forms, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that, if Mr. Valdez fails to cure the designated deficiencies

**within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED April 15, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge