

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01150-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.)

JAN B. HAMILTON,

Plaintiff,

v.

ERIN FERNANDEZ ELY,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On April 30, 2013, Plaintiff submitted a document titled "Notice of Appeal" which purports to be an appeal to this Court from an order issued by the Colorado Supreme Court. The federal district court does not have jurisdiction over orders issued by the state appellate courts. Instead, Plaintiff must file a complaint asserting a basis for jurisdiction under the federal question statute, 28 U.S.C. § 1331, or the diversity statute, 28 U.S.C. § 1332. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the document is deficient as described in this Order. Plaintiff will be directed to cure the following if she wishes to pursue any claims in this Court in this action. Any papers that Plaintiff files in response to this Order must include the civil action number on this Order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) X 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 authorization to calculate and disburse filing fee payments
 - (7) ___ is missing an original signature by the prisoner
 - (8) ___ is not on proper form (Must use Court-approved form revised October 1, 2012)
 - (9) ___ names in caption do not match names in caption of complaint, petition or habeas application
 - (10) X other: § 1915 Motion and Affidavit is necessary only if \$350.00 filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) X is not submitted
- (12) ___ is not on proper 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) ___ names in caption do not match names in text
- (17) ___ addresses must be provided for all defendants/respondents in “Section A. Parties” of complaint, petition or habeas application
- (18) ___ 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 Complaint form and Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (revised 10/1/12) (with the assistance of her case manager or the facility’s legal assistant), along with the applicable instructions, at

www.cod.uscourts.gov. 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 May 1, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge