

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02851-BNB

NOE CARRILLO FRANCO,

(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.)

Plaintiff,

v.

CDOC EXECUTIVE DIRECTOR, Defendant, Official and Individual Capacity,
STURGEON, Nurse Practitioner, Defendant, Official and Individual Capacity,
SHARON HAMILTON, RN, III, Official and Individual Capacity, (unfortunately, now deceased),

CINDY NOLD, 16789, Defendant, Official and Individual Capacity,
KERRY BARONI, 16025, Defendant, Official and Individual Capacity,
GRIFFITH MARSHALL, 14298, Defendant, Official and Individual Capacity,
ANTHONY A. DECESARO, Defendant, Official and Individual Capacity, and
LT. SOLBA, Food Service Department, Official and Individual Capacity,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff, Noe Carrillo Franco, is in the custody of the Colorado Department of Corrections at the Buena Vista Correctional Facility. Plaintiff, acting *pro se*, initiated this action by filing a civil rights action under 42 U.S.C. § 1983. He has paid \$350.00 of the applicable \$400.00 filing fee. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that there is a deficiency in this action as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers that Plaintiff files in response to this Order must include the civil action number noted above in the caption of this Order.

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

- (1) 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
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Plaintiff may in the alternative pay an **additional \$50.00** to complete the total \$400.00 filing fee (\$350.00 filing fee plus a \$50.00 administrative fee, as authorized in the District Court's Schedule of Fees, effective May 1, 2013).

Complaint, Petition or Application:

- (11) 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 deficiency 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 may obtain the 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 his 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 deficiency **within thirty days from the date of this Order**, the action will be dismissed without further notice.

DATED October 21, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge