

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-03104-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.)

ROBERT E. LEWIS JR.,

Plaintiff,

v.

DENVER CITY JAIL,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On November 14, 2013, Plaintiff submitted a Case Cover Sheet and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action. A review of the cover sheet indicates that Plaintiff is attempting to file a complaint against the Denver Jail. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the documents are deficient as described in this Order. Plaintiff will be directed to cure the following if he 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.

Although the first page of the § 1915 Motion more properly is used in a habeas action, the remaining pages of the Motion are those used when filing a prisoner complaint. The Court, therefore, will construe the Motion as seeking leave to proceed *in forma pauperis* in a prisoner complaint.

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

- (1) is not submitted
- (2) is missing affidavit
- (3) copy of prisoner's trust fund statement submitted is not for the **6-month period immediately preceding** this filing
- (4) trust fund account statement is missing certification by authorized prison official
- (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:

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 shall obtain the proper Court-approved form used in filing prisoner complaints (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 November 15, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge