

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

Civil Action No. 14-cv-00207-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.)**

DAVID EUGENE BIRDSALL, SR.,

Plaintiff,

v.

DAVID FRANKS,  
DENVER POLICE DEPT.,  
HANNA DAVIS,  
OTHER MHCD EMPLOYEES, and  
DOCTOR JYAN, MHCD,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint although it does not appear that Plaintiff is a prisoner. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(a), 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 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)    xx    is not on proper form (must use the court's current nonprisoner form)
- (3)    \_\_\_    is missing original signature by plaintiff/petitioner/applicant
- (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)    xx    is not on proper form (must use the court's current nonprisoner form)  
(11)    \_\_\_    is missing an original signature by the plaintiff/petitioner/applicant  
(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)    xx    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 Plaintiff cure the deficiencies designated above **within thirty (30) 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 Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Complaint forms, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that, if 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.

DATED January 28, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge