

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00213-BNB

DAVON Q. WILLIAMS,

Plaintiff,

v.

ALEX J. MARTINEZ, Manager of Public Safety, City and County of Denver, in his
official and individual capacities,

GARY WILSON, Director, Denver Sheriff's Department, in his official and individual
capacities,

DENVER SHERIFF'S DEPARTMENT, DEPUTIES AND SERGEANTS, in their official
and individual capacities,

DENVER POLICE OFFICERS AND DETECTIVES 1-5, City and County of Denver, in
their official and individual capacities, and

ANTHONY I. TAYLOR,

Defendants.

SECOND AMENDED ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Davon Q. Williams, was detained in the Denver Detention Center at the time he initiated this action on January 24, 2014. On January 28, 2014, Magistrate Judge Boyd N. Boland issued an order to Mr. Williams directing him to cure certain deficiencies in this action. On February 5, 2014, Plaintiff filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. On February 13, 2014, he filed a Prisoner Complaint on the court-approved form asserting deprivations of his constitutional rights pursuant to 28 U.S.C. § 1343 and 42 U.S.C. § 1983.

On March 4, 2014, Mr. Williams filed a change of address with the Court. (ECF No. 10). The Court mistakenly determined that Mr. Williams had been released from

custody and issued an Amended Order Directing Plaintiff to Cure Deficiencies that directed Mr. Williams to file a non-prisoner § 1915 Motion and Affidavit. (ECF No. 11). The Amended Order was returned to the Court on March 11, 2014 for an incorrect address. The Court has learned that there is a Davon Williams incarcerated at the Colorado Territorial Correctional Facility. If him and Plaintiff are one and the same, then Plaintiff was correct in filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Nonetheless, the § 1915 Motion is deficient because Mr. Williams failed to include the following documents: a signed authorization for disbursement of funds from Plaintiff's inmate account and a certified copy of Plaintiff's inmate trust fund account statement showing monthly deposits and balances for the six months preceding his filing. 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 Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (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 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. It is

FURTHER ORDER that the clerk of the court shall mail a copy of this Order to

Plaintiff at the following address: Davon Williams, DOC # 158556, Colorado Territorial Correctional Facility, P.O. Box 1010, Canon City, Colorado, 81215-1010. Plaintiff's new address shall be noted in CM/ECF.

DATED April 14, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge