

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

Civil Action No. 14-cv-00932-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.)**

D. MICHAEL CLAYTON,

Plaintiff,

THE SAMSONITE EMPLOYEES RETIREMENT INCOME PLAN, f/k/a/ THE SAMSONITE RETIREMENT INCOME PLAN, and SAMSONITE LLC AS PLAN ADMINISTRATOR OF THE SAMSONITE EMPLOYEES RETIREMENT INCOME PLAN,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff, D. Michael Clayton, currently resides in Parker, Colorado. Mr. Clayton has submitted a Complaint. Mr. Clayton also submitted a filing fee, but the Financial Division of the Clerk's Office has encountered a problem processing the payment.

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. Mr. Clayton will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Clayton 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)  is not on proper form (must use the Court's current form)
- (3)  is missing original signature by Plaintiff
- (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: Plaintiff submitted a filing fee but the Court has been unable to

process the payment.

**Complaint or Petition:**

- (9)  is not submitted
- (10)  is not on proper form (must use the Court's current form)
- (11)  is missing an original signature by Plaintiff
- (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)  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 Mr. Clayton cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Mr. Clayton files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Clayton shall obtain the Court-approved forms used in filing a 28 U.S.C. § 1915 motion and affidavit and a complaint, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that if Mr. Clayton fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED April 1, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge