

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01311-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.)

TERRANCE M. FARRELL III,

Plaintiff,

v.

STATE OF COLORADO,
RICK RAEMISCH,
ESTATE OF TOM CLEMENTS,
ROGER WERHOLTZ,
TONY CAROCHI,
ARISTEDES ZAVARIS,
JOE ORTIZ, and
JOHN SUTHERS,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Terrance M. Farrell III, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at Bent County Correctional Facility in Las Animas, Colorado. Plaintiff initiated this action by filing *pro se* a Prisoner Complaint, a Complaint and Jury Demand, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), 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 in this

Court in this action. 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 on proper form (Must use Court-approved form revised 10-1-12)
- (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 authorization to calculate and disburse filing fee payments
- (6) ☐ is missing an original signature by the prisoner
- (7) ☐ other:

Complaint, Petition or Application:

- (8) ☐ is not submitted
- (9) ☐ is not on proper form (must use the Court's current form)
- (10) ☐ is missing an original signature by the prisoner
- (11) ☐ is missing page nos. ____
- (12) ☐ uses et al. instead of listing all parties in caption
- (13) ☐ names in caption do not match names in text
- (14) ☒ other: Plaintiff has submitted two complaints. One is on a Court-approved form and the other is not. Plaintiff is required to submit his claims on one Court-approved form and only use attached pages when necessary.

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies 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 the Plaintiff shall obtain the Court-approved forms, including: Prisoner Complaint and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. Use of Court-approved forms is required to cure deficiencies. It is

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

DATED: May 20, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge