

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

Civil Action No. 14-cv-01928-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.)

LOUNGER ENTERTAINMENT L.L.C.,

Plaintiff,

v.

PUEBLO COUNTY JUDICIAL DEPARTMENT,

Defendant.

ORDER TO CURE DEFICIENCIES

Fernando Carrillo, who does not name himself as Plaintiff, has submitted to the court a Complaint (ECF No. 1), a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 2), and an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3). Although not entirely clear, it appears that Mr. Carrillo intends to assert civil rights claims in this court. Therefore, this civil action has been commenced. As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the documents are deficient as described in this order. Mr. Carrillo will be directed to cure the following if he wishes to pursue any claims in this action. If Mr. Carrillo does not intend to pursue a civil action in this court, he should advise the court of that fact and the instant action will be dismissed. Any papers that Mr. Carrillo files in response to this order must include the civil action number on this order.

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

- (1) is not submitted
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (account statement submitted is not certified by a jail official)
- (4) is missing certificate showing current balance in prison account
- (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 (must use the court's current 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 (must use Prisoner Complaint 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: a business entity may not appear in court without counsel.

Accordingly, it is

ORDERED that Mr. Carrillo cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that Mr. Carrillo files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Mr Carrillo shall obtain the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint forms (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 Mr. Carrillo 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.

DATED July 14, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge