

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

Civil Action No. 14-cv-01953-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.)

ELOY GARZA,

Plaintiff,

v.

WESTERN STONE OF LYONS, LLC, and
PAUL W. FRYSIG,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Eloy Garza, currently resides in Lyons, Colorado. Mr. Garza has submitted, through counsel, a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3).

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. Garza will be directed to cure the following in order to pursue any claims in this action. 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) ___ 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) X other: **§ 1915 Motion and Affidavit are not filed on the current court-**

approved form. Plaintiff must resubmit a completed “Application to Proceed in District Court without Prepaying Fees or Costs” (AO 239; Rev. 12/13).

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 Plaintiff cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Mr. Garza files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Garza shall obtain the Court-approved form used in filing an Application to Proceed in District Court without Prepaying Fees or Costs” (AO 239; Rev. 12/13), at www.cod.uscourts.gov. Plaintiff may also obtain copies of the court-approved form at the United States District Court Clerk’s Office, located at 901 19th Street, Denver, Colorado. It is

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

DATED July 15, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge