

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

Civil Action No. 14-cv-01959-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.)

DON LAW,

Plaintiff,

v.

WALKER STAPLETON, The State Treasurer for the State of Colorado,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On July 14, 2014, Plaintiff submitted to the Court a pleading titled, "Wrongful Withholding of Compensation Funds" and an \$11.00 money order. The purpose for submitting these documents to the Court is not clear. However, to be sure that Plaintiff is provided the benefit of the doubt the Court has initiated this action. 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. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this Court in this action. Any papers that Plaintiff files in response to this Order must include the civil action number on this Order.

The Court also has processed the money order in anticipation that a filing fee will be required. The amount of the filing fee at this time is unknown and is dependent on the type of action Plaintiff is attempting to file in this Court. The \$11.00 will be applied to the filing fee once the proper filing fee is determined.

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

- (1) is not submitted (the \$11.00 payment is insufficient to cover the \$400 filing fee if Plaintiff is filing a civil complaint)
- (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 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
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Rather than proceed pursuant to 28 U.S.C. § 1915, Plaintiff may pay the remainder of the \$400 filing fee in full, which is \$389 if he desires to file a civil complaint in this Court

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (Plaintiff may find the Court-approved forms at www.cod.uscourts.gov.)
- (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:

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 Plaintiff shall obtain the proper form, depending on the type of action Plaintiff intends to file, and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form if desired (revised 10/1/12) (with the assistance of his case manager or the facility's legal assistant), along with the

applicable instructions, at www.cod.uscourts.gov. Plaintiff must use the Court-approved forms when curing the deficiencies. It is

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

FURTHER ORDERED that service of process is premature at this time. Any attempt by Plaintiff to effect service will be quashed. It is

FURTHER ORDERED that no response from Defendant is proper at this time and no decision on the merits will be forthcoming until Plaintiff has cured the noted deficiencies.

DATED July 15, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge