

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

Civil Action No. 14-cv-02128-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.)

GABE MARTÍNEZ,

Plaintiff,

v.

MARRIOTT INTERNATIONAL,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Gabe Martínez, has submitted *pro se* an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 3) and a Title VII Complaint (ECF No. 1) asserting discrimination on the basis of religion. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1, the Court has determined that the submitted documents are deficient as described in this order. Plaintiff will be directed to cure the following if she wishes to pursue her claims. Any papers that Plaintiff files in response to this order must include the civil action number on this order.

Application to Proceed in District Court Without Prepaying Fees or Costs:

- (1) ___ is not submitted
- (2) ___ is not on proper form (must use the Court's current form)
- (3) ___ is missing original signature by plaintiff/petitioner/applicant
- (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:

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 the plaintiff/petitioner/applicant
- (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) X other: Fails to request relief in the space provided for on page 6. Fails to attach copy of notice-of-right-to-sue letter received from Equal Employment Opportunity Commission (EEOC), if available, as directed on page 2).

Mr. Martínez is warned that, even if the Court dismisses the instant action without prejudice for failure to comply with this order, the dismissal may act as a dismissal with prejudice if he seeks to refile in this Court because the ninety-day limitations period for filing a Title VII action may have run on his claims. See 42 U.S.C. § 2000e-5(f)(1) (A claimant has ninety days to file an action in the district court after receiving a notice of right to sue from the EEOC).

Accordingly, it is

ORDERED that Plaintiff, Gabe Martínez, cure the deficiencies designated above **within thirty (30) 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 Court-approved Title VII Complaint form, along with the applicable instructions, at www.cod.uscourts.gov, and use that form in curing the designated deficiencies. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the Title VII Complaint and the

action may be dismissed without further notice. The dismissal shall be without prejudice.

DATED August 8, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge