

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

Civil Action No. 14-cv-02228-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.

MS. KERRI LOMBARDI, #23291, Deputy District Attorney, and  
JOHN W. SUTHERS, Attorney General for the State of Colorado,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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On August 11, 2014, Plaintiff submitted to the Court a pleading titled, "False Verdict Tort." In the pleading, Plaintiff asks that the Court vacate his January 17, 2001 state conviction and award him damages. As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the request for relief and the documents submitted to the Court are deficient as described in this Order.

Plaintiff may not request that his criminal case be vacated and that he be awarded damages in the same cause of action. Plaintiff may challenge his conviction in a 28 U.S.C. § 2254 action. A request for damages for an invalidated conviction is available only in a civil complaint.

Plaintiff, therefore, 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.

**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 either a current balance, if a 28 U.S.C. § 2254 action, or a 6-month period immediately preceding this filing, if a prisoner complaint action.
- (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 if a prisoner complaint
- (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:

**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](http://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 forms, depending on the type of action Plaintiff intends to file (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://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 Defendants is proper at this time and no decision on the merits will be forthcoming until Plaintiff has cured the noted deficiencies.

DATED August 12, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge