

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03274-GPG

**(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.)**

ELMER LEE CROSS, JR.,

Plaintiff,

v.

SHERIFF'S DEPUTY LEYSHON,  
SHERIFF'S DEPUTY MAES,  
SHERIFF'S DEPUTY TOMSICK,  
MAJOR ANDERSON,  
MAJOR OLIVAS,  
CAPTAIN GUTIEREZ,  
CAPTAIN MCMANUS, and  
SHERIFF'S DEPUTY LAFERTY,

Defendants.

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ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

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Plaintiff, Elmer Lee Cross, Jr., currently is incarcerated at the Denver County Jail. He submitted *pro se* a Prisoner Complaint (ECF No. 1). As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the submitted complaint is 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.

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

- (1)   X   is not submitted
- (2)      is missing affidavit
- (3)   X   is missing certified copy of prisoner's trust fund statement for the 6-month

- (4) \_\_\_ period immediately preceding this filing
- (4) \_\_\_ is missing certificate showing current balance in prison account
- (5) \_\_\_ is missing required financial information
- (6) \_\_\_ is missing an original signature by the prisoner
- (7) \_\_\_ is not on proper form (must use the court's current form)
- (8) \_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
- (9) X other: instead of submitting the motion and affidavit, plaintiff may pay the \$400 filing fee in advance.

**Complaint, Petition or Application:**

- (10) \_\_\_ is not submitted
- (11) \_\_\_ is not on proper form
- (12) \_\_\_ is missing an original signature by the prisoner
- (13) \_\_\_ is missing page nos. \_\_\_
- (14) \_\_\_ uses et al. instead of listing all parties in caption
- (15) \_\_\_ names in caption do not match names in text
- (16) \_\_\_ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (17) \_\_\_ other:

Accordingly, it is

ORDERED that Plaintiff, Elmer Lee Cross, Jr., 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 form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (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), 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 action may be dismissed without further notice. The dismissal shall be without prejudice.

DATED December 2, 2014, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher  
United States Magistrate Judge