

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00989-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.)**

ASHLEY MCDANIEL  
TONYA MCDANIEL,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER,  
DENVER DISTRICT ATTORNEY,  
DISTRICT TWO POLICE DEPARTMENT,  
INTERNAL AFFAIRS,  
INDEPENDENT MONITOR,  
GLEN LEVY,  
DIANE ARAGON,  
OFFICER FEMALE (CHERLY SMITH),  
JUDGE HADA,  
LORI FREUND,  
OFFICER JOHN DOE,  
OFFICER JOHN DOE,

Defendants.

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**ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES**

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Plaintiffs, Ashley McDaniel and Tonya McDaniel, reside in Denver, Colorado. On May 8, 2015, they submitted a Complaint against twelve defendants. (ECF No. 1). They have also both submitted Applications to Proceed in District Court without Prepaying Fees or Costs. (ECF no. 2 and 4). 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. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers that Plaintiffs file 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
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit 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 original signatures by the Plaintiffs
- (12)  is incomplete (must complete all sections, including Jurisdiction)
- (13)  uses et al. instead of listing all parties in caption
- (14)  names in caption do not match names in text of Complaint (Lori Freund listed in Caption, but Lori Frum and Lori Fruend listed in Complaint; Judge Kenneth Doe listed in Complaint but not listed in caption).
- (15)  addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (16)  other: "Supplement to Complaint" contains different names under some of the same claims for relief. A supplement may contain additional information but may not repeat or contradict the Complaint. Also, the separate Complaint of *McDaniel vs. Wallace* should be included only as an Exhibit or Attachment.

Accordingly, it is

ORDERED that Plaintiffs cure the deficiencies designated above **within thirty days from the date of this Order**. It is

FURTHER ORDERED that Plaintiffs shall obtain the Court-approved forms used in filing a Complaint, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov), and use the forms to cure the above noted 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. The dismissal will be without prejudice.

DATED May 13, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher  
United States Magistrate Judge