

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 CHERLY SMITH,
OFFICER W. BOHM, badge number 13070,
OFFICER LITTLE, badge number 07040,
DETECTIVE LORI FREUND,
JUDGE KENNETH LAUGH,

Defendants.

SECOND ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

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 Nos. 2 and 4). On May 13, 2015, as part of the Court's review pursuant to D.C.COLO.LCivR 8.1(a), the Court ordered Plaintiffs to cure certain designated deficiencies. (ECF No. 5). Specifically, the Court ordered Plaintiffs to submit a Complaint that included original signatures of the Plaintiffs, that was complete and

included all sections (including Jurisdiction and addresses for the Parties), that the names in the caption should match the names in the Complaint, and that the confusing supplementary information attached to the Complaint should not be contradictory to the Complaint and should be clearly identified as exhibits. (*Id.*).

In response to the Court's order, the Plaintiff's filed a Motion to Amend (ECF No. 6) along with a proposed document (ECF No. 6-1). The submitted documents are still deficient.

In the Motion to Amend, the Plaintiffs state that "[t]he initial case filed with the courts was an unfinished template/rough draft version of the case that was accidentally filed. The second fillings [sic] with the court the supplement to the complaint is in fact the accurate version of the complaint with the exception of where Judge Hada appears in the caption we are actually referring to Judge Kenneth Joe aka Judge Kenneth Laugh." (ECF No. 6). Attached to the Motion to Amend, Plaintiffs submitted the caption page, the Parties and Jurisdiction sections, and the signature page from the court-approved complaint form along with additional exhibits. (ECF No. 6-1). Because it appears that Plaintiffs were attempting to cure the deficiencies in the Complaint, they will be given one additional opportunity to submit a complete Complaint on the current court-approved form.

To be clear, the Plaintiffs must submit, within thirty days from the date of this Order, an entire Complaint, including all sections, on the current court-approved form, along with any exhibits, which should be clearly labeled. The Court will not cut and paste certain pages from original filings and combine with additional pages from amended filings in order to construct a complaint for the Plaintiffs.

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, 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 June 17, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge