IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01629-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.)

DERRICK ARANDA,

Plaintiff,

٧.

NO NAMED DEFENDANT,

Defendant.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff has submitted *pro* se a Letter regarding filing a new case prisoner complaint. He has failed either to submit a proper complaint or pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the documents are deficient as described in this order. Plaintiff will be directed to cure the following if he wishes to pursue his claims. 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)	<u>XX</u>	is not submitted
(2)	XX	is missing affidavit
(3)	XX	is missing certified copy of prisoner's trust fund statement for the 6-month
		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)	XX	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) <u>xx</u> other: <u>motion is necessary only if entire filing fee is not paid</u> in advance.

Complaint, Petition or Application:

(10)	XX	is not submitted
(11)	XX	is not on proper form (must use the court's current Prisoner form)
(12)	XX	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:

Moreover, the Court has reviewed the Letter and finds that the District of Colorado is not the proper venue to adjudicate Mr. Aranda's claims against the Virginia Defendants. Pursuant to 28 U.S.C. § 1391(b), a civil action may be brought in:

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Mr. Aranda's claims against the Virginia Defendants may not be brought in Colorado because the Virginia Defendants do not reside in Colorado and the events giving rise to Mr. Aranda's separate claims against the Virginia Defendants occurred in Florida. Therefore, Mr. Aranda's claims against the Virginia Defendants properly are raised in an appropriate federal court in Virginia.

Accordingly, it is

ORDERED that Plaintiff 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 Prisoner's Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies within thirty (30) days from the date of this order, the complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED August 3, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
Gordon P. Gallagher
United States Magistrate Judge