

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

Civil Action No. 15-cv-01645-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.)

RICHARD "NIKKIE" RODGERS,

Plaintiff,

v.

EXECUTIVE DIRECTOR OF DOC, and
ZUPAN, Warden of CTCF Facility,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On July 31, 2015, Plaintiff mailed to the Court a Complaint Pursuant to C.R.C.P. Rule 106.5, ECF No. 1, and an Inmate Motion Requesting to File Without Prepayment of Filing/Service Fees Pursuant to § 13-17.5-103, ECF No. 2. Both these documents indicate that Plaintiff intends to file a complaint in the Fremont County District Court.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), however, if Plaintiff does intend to proceed with an action in this Court he must cure the following deficiencies. Otherwise, if he does not intend to file an action in this Court he may elect to dismiss this action.

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

- (1) ___ is not submitted
- (2) ___ is missing affidavit
- (3) X 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) X is missing authorization to calculate and disburse filing fee payments

- (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: Plaintiff may in the alternative pay the \$400 filing fee in full in advance

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form
- (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 if Plaintiff desires to proceed with an action in this Court he shall 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 Prisoner Complaint form and the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C.

§ 1915 form (revised 10/1/12) (with the assistance of his case manager or the facility's legal assistant), 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 days from the date of this Order**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the Clerk of the Court is directed to send copies of the ECF Nos. 1 and 2 to Plaintiff if he needs the copies to resend the documents to the correct address for the Fremont County District Court. It is

FURTHER ORDERED that if Plaintiff does not intend to file an action in this Court he is directed to dismiss this action.

DATED August 3, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge