

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01646-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.)**

GERALD C. CHAVEZ,

Plaintiff,

v.

COLORADO ATTORNEY GENERAL,  
LARRY TURNER,  
DAYNA MORGAN, and  
TOM CLEMENTS,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY**

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Plaintiff, Gerald C. Chavez, is a prisoner in the custody of the Colorado Department of Corrections, who is incarcerated currently at the Cimarron Correctional Facility in Cushing, Oklahoma. Mr. Chavez initiated this action by filing a Prisoner Complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1) in which he complains about an alleged retaliatory transfer. Plaintiff has also filed a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 2).

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the submitted 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)  is not submitted
- (2)  is missing affidavit
- (3)  prisoner's trust fund statement is not certified
- (4)  is missing required financial information
- (5)  is missing an original signature by the prisoner
- (6)  is not on proper form (must use the Court's current form)
- (7)  names in caption do not match names in caption of complaint, petition or habeas application
- (8)  An original and a copy have not been received by the court. Only an original has been received.
- (9)  other: **Plaintiff may prepay the \$400 filing fee applicable to prisoner civil rights actions in lieu of filing a §1915 motion and affidavit.**

**Complaint, Petition or Application:**

- (10)  is not submitted
- (11)  is not on proper form (must use a Court-approved 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)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other:

Accordingly, it is

ORDERED that Plaintiff cure the designated deficiency **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 court-approved form for filing a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, along with the attachments, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). Plaintiff must resubmit the "Certificate of Prison Official" form to the Court, signed by the authorized prison official in order to cure the deficiency in this action. It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiency **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED August 3, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher  
United States Magistrate Judge