

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

Civil Action No. 15-cv-01860-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.)**

JASON FORBES,

Plaintiff,

v.

DEPUTY GARCIA, EID #13141, and  
DEPUTY C. JOHNSON, EID # 13095, and  
DEPUTY YOSHIMIYA, EID # 13080, and  
DEPUTY CHOAFE, EID # 12023, and  
DEPUTY GONZALES, EID # 07092,

Defendants.

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**ORDER TO CURE DEFICIENCIES**

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Plaintiff, Jason Forbes, is in the custody of the Colorado Department of Corrections, currently incarcerated at the Sterling Correctional Facility in Sterling, Colorado. On August 27, 2015, Mr. Forbes filed *pro se* a "Notice of Intent and Affidavit Pursuant to 42 U.S.C. § 1983," ("the Notice") (ECF No. 1), and the Court initiated a civil rights action.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court has determined that the document filed is deficient as described in this Order. Mr. Forbes will be directed to cure the following if he wishes to pursue any claims in this Court in this action. Any papers that Mr. Forbes files in response to this Order must include the civil action number on this Order.

The "Notice" filed by Mr. Forbes appears to be a request for discovery. However, in order to initiate a lawsuit in this Court, Plaintiff is required to file a "complaint with the court," Fed. R. Civ. P. 3, and either pay the full filing fee or seek permission to proceed *in forma pauperis*, 28 U.S.C. §§ 1914 and 1915.

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

- (1)  is not submitted
- (2)  is not on a proper Court-approved form (must use the Court's current Prisoner "Motion Pursuant to 1915 (Waive Fee) Complaint" form).
- (3)  is missing affidavit
- (4)  is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (5)  is missing certificate showing current balance in prison account
- (6)  is missing authorization to calculate and disburse filing fee payments
- (7)  is missing an original signature by the prisoner
- (8)  other: in the alternative, Plaintiff may pay the \$400.00 filing fee instead of filing a § 1915 motion and affidavit.

**Complaint, Petition or Application:**

- (9)  is not submitted (must use the Court-approved Prisoner Complaint Form).
- (10)  is not on proper form
- (11)  is missing an original signature by the prisoner
- (12)  is missing page nos. \_\_\_
- (13)  uses et al. instead of listing all parties in caption
- (14)  names in caption do not match names in text
- (15)  other:

Accordingly, it is

ORDERED that Mr. Forbes cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Mr. Forbes files in response to this

Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Forbes shall obtain the Court-approved Prisoner Complaint form and the Prisoner's 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](http://www.cod.uscourts.gov) and use those forms to correct the deficiencies. It is

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

DATED September 2, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher  
United States Magistrate Judge