

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

Civil Action No. 15-cv-01914-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.)

JAMES E. JENNINGS,

Plaintiff,

v.

MICHELLE K. LEE, Deputy Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in her official capacity,

Defendant.

SECOND ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On September 3, 2015, Plaintiff, a resident of Louisville, Colorado, filed *pro se* a Title VII Complaint. (ECF No. 1). On September 10, 2015, the Court determined that the Complaint was deficient and ordered Plaintiff to cure certain designated deficiencies within thirty days if he wished to pursue his claims. (ECF No. 3). Specifically, the Court ordered Plaintiff to: (1) submit a § 1915 Motion or pay the \$400 filing fee, and (2) to submit his complaint on the current court-approved Title VII Complaint Form. Plaintiff was warned if he failed to cure the designated deficiencies within the time allowed, his action would be dismissed without further notice.

In response, Plaintiff paid the filing fee in full (ECF No. 5) and submitted an Amended Complaint (ECF No. 4). However, the Amended Complaint is still deficient.

As it appears Plaintiff was attempting to cure the deficiencies, the Court will grant him one last opportunity to cure the following deficiencies if he wishes to pursue his claims in this action. 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) 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 authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) is not on proper form (must use the court's current form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other:.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use current court-approved 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: _____.

Local Civil Rules 1.2 and 5.1(c) for this Court require *pro se* litigants to use the Court-approved forms found on the Court's website. The United States Court of Appeals for the Tenth Circuit repeatedly has upheld the requirement that *pro se* litigants comply with local court rules requiring use of proper Court-approved forms. See *Georgacarakos v. Watts*, 368 F. App'x 917, 918-19 (10th Cir. 2010) (district court did not abuse its discretion in dismissing civil rights action without prejudice for federal

prisoner's noncompliance with local rules requiring use of proper court-approved form to file complaint and district court's order to comply).

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. It is

FURTHER ORDERED that Plaintiff shall obtain the court-approved Title VII Complaint 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 action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED October 15, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge