

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01959-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.)

JONATHAN DAVID DANIEL SCHMIER,

Plaintiff,

v.

THE CITY OF COLORADO SPRINGS,
MATTEW J. DUNICH, Officer, Badge # 1611, and
CARLOTTE RIVERA, Detective, Badge # 1766D,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff, Jonathan David Daniel Schmier, resides in Virginia Beach, Virginia. On September 9, 2015, he submitted a Complaint (ECF No. 1). As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(a), the Court has determined that the submitted document is deficient as described in this order. Mr. Schmier 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.

Application to Proceed in District Court Without Prepaying Fees or Costs:

- (1) is not submitted
- (2) is not on proper form (must use the Court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) other: in the alternative, Mr. Schmier may pay the \$400.00 filing fee.

Complaint or Petition:

- (9) ___ is not submitted
- (10) ___ is not on proper form (must use the court's current form)
- (11) ___ is missing an original signature by the Plaintiff
- (12) ___ is incomplete
- (13) ___ uses et al. instead of listing all parties in caption
- (14) ___ names in caption do not match names in text of Complaint
- (15) ___ addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (16) ___ other:

Accordingly, it is

ORDERED that Plaintiff cure the deficiency designated above **within thirty days from the date of this Order**. It is

FURTHER ORDERED that Plaintiff shall either pay the \$400.00 filing fee, or obtain the Court-approved form used in filing an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), along with the applicable instructions, at www.cod.uscourts.gov, and shall use the form to cure the above noted deficiency. 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 October 6, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge