

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 15-cv-02107-REB

JESSICA PARSONS LACK,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER

Blackburn, J.

This matter is before me *sua sponte*. Plaintiff filed her complaint seeking review of the Commissioner's decision denying her claim for disability insurance benefits and supplemental security income benefits on September 24, 2015. Appended to her **Complaint** [#1]¹ as an exhibit was a **Motion and Affidavit for Leave To Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24** [#1-2]. Procedurally, this filing was improper, as the motion should have been filed as a separate entry on the docket. Moreover, the affidavit was captioned under and signed by a plaintiff in a different, presumably unrelated case (*Mares v. Colvin*, Civil Case No. 15-cv-01988-REB). The clerk of the court notified counsel for plaintiff of these discrepancies and ordered him to pay the filing fee post haste. (**See Administrative Notice** [#6], filed September 29, 2015.) However, as of the date of this order, counsel for plaintiff has failed to comply with this directive or alternatively submit a proper IFP motion.

¹"[#1]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

Therefore, and in order to continue the expeditious prosecution of this case, I find that it is necessary to enter this Order directing plaintiff to either pay the filing fee or submit a proper motion and affidavit for leave to proceed IFP.²

THEREFORE, IT IS ORDERED that on or before **October 22, 2015**, plaintiff shall either pay the filing fee or submit a procedurally and substantively proper motion for leave to proceed *in forma pauperis*, failing which, this case will be dismissed without prejudice.

Dated October 1, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge

² In addition, counsel further should be aware that the form of the motion and affidavit appended to the complaint technically is improper. The correct form is entitled "Application To Proceed in District Court Without Prepaying Fees or Costs (Long Form)," and is available at the court's website under the "Forms" tab (<http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx>) in the subsection entitled "Filing a Civil Action (General Public)." Counsel is requested to use the correct form when filing all motions seeking leave to proceed IFP in the future.