

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02121-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.)

ANDREW J. O'CONNOR, as next friend on behalf of
TEAGAN E. O'CONNOR, a minor,

Plaintiff,

v.

TOBEY BASSOFF,
JOLENE RADOSTIS,
RICK KELLOGG,
ROBBYN FERNANDEZ,
BRUCE MESSINGER,
RYAN ELEMENTARY SCHOOL, and
BOULDER VALLEY SCHOOL DISTRICT NO. RE2, individually and severally,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, Andrew J. O'Connor, as next friend on behalf of Teagan E. O'Connor, a minor, resides in Lafayette, Colorado. On September 25, 2015, Plaintiff submitted a "Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 and Motion for Declaratory and Injunctive Relief" (ECF No. 1) and an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (ECF No. 3). As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(a), 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.

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: information in the § 1915 Application is inconsistent with statements in the Complaint. At least three separate times in the Complaint, Plaintiff states that he was "at work" on September 17, 2015. (ECF No. 1 at 5-6). Yet, in his § 1915 Motion, he indicates that he does not have any income and lists his most recent employment as ending in July 2015. The § 1915 Motion needs to accurately reflect his financial information. The Affidavit signed by Plaintiff stated "I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims." Plaintiff must submit an amended § 1915 Application and identify his current employer and income.

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: Complaint does not accurately number the Claims for Relief. The "Second" claim is listed at ECF No. 1 at 11 and then it goes to the "Fourth" claim at ECF No. 1 at 12. Please accurately number the claims.

Accordingly, it is

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

FURTHER ORDERED that Plaintiff shall obtain the Court-approved General Complaint Form and the Application to Proceed in District Court Without Prepaying

Fees or Costs (Long Form), along with the applicable instructions, at www.cod.uscourts.gov, and use the forms to cure the above noted deficiencies. It is

FURTHER ORDERED that if Plaintiff 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 28, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge