

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

Civil Action No. 15-cv-02235-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.)

JOHNN A. VIDMAR JR.,

Plaintiff/Applicant,

v.

**PABESS, Sgt.; and
LIMON CORRECTIONAL FACILITY,**

Defendants/Respondents.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On October 7, 2015, Johnn A. Vidmar Jr. submitted two Prisoners Motions for Leave to Proceed Pursuant to 28 U.S.C 1915 in a Habeas Corpus Action, ECF Nos. 1 & 2, to the Court. On October 13, 2015, this Court ordered Mr. Vidmar to cure the deficiencies as described in its Order. In response, Mr. Vidmar filed a Motion and Affidavit for Leave to Proceed Under 28 U.S.C. 1915. Mr. Vidmar will be directed to cure the following if he wishes to pursue any claims in this Court in this action at this time. Any papers that Mr. Vidmar files in response to this Order must include the civil action number on this Order.

The Court notes that if Mr. Vidmar is incarcerated or detained he is required to

file his claims and requests to proceed without prepayment of filing fees on proper Court-approved forms used by prisoners filing civil rights cases.

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
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: Rather than proceed pursuant to 28 U.S.C. § 1915, Plaintiff may pay the proper filing fee in full.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (Mr. Vidmar may find the Court-approved forms at www.cod.uscourts.gov.)
- (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:

Accordingly, it is

ORDERED that if Plaintiff desires to proceed with this action at this time he shall cure the deficiencies designated above **within thirty days from the date of this**

Order. Any papers that Plaintiff files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Vidmar shall obtain proper Court-approved forms

depending on the type of action he intends to file in this Court (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. Plaintiff must use proper Court-approved forms when curing the 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. It is

FURTHER ORDERED that Mr. Vidmar is ORDERED to update the Court with his current address. It is

FURTHER ORDERED that the Clerk of Court send this Order and change Mr. Vidmar's address to the Denver Reception and Diagnostic Center, 10900 Smith Road Denver, CO 80239.

DATED November 9, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge

