

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

Civil Action No. 15-cv-02289-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.)

MARK A. ESQUIBEL,

Plaintiff,

v.

OFFICER WILLIAM CÁRDENAS, Individual and in his Official Capacity, and
OFFICER DAN SMITH, Individual and in his Official Capacity,

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

On October 15, 2015, Plaintiff filed with the Court a Prisoner Complaint, ECF No. 1, and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, ECF No. 3.

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), however, if Plaintiff does intend to proceed with an action in this Court he must cure the following deficiency. Otherwise, if he does not intend to file an action in this Court he may elect to dismiss this action.

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) X 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:

Complaint, Petition or Application:

- (11) ___ is not submitted
- (12) ___ is not on proper 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:

Accordingly, it is

ORDERED that if Plaintiff desires to proceed with an action in this Court he shall cure the deficiency 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 Plaintiff shall obtain the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (revised 10/1/12) (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. 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 15, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge