

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

Civil Action No. 15-7-0070-LTB

(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.)

STEPHEN JOHN NALTY,

Plaintiff,

v.

ALFRED CONWAY HARRELL, JR., Judge;
MITCHELL RICHARD MORRISSEY;
KATHERINE VIRGINIA KIRK;
PATRICK FIRMAN; and
CITY AND COUNTY OF DENVER,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

Plaintiff, Stephen John Nalty, has submitted to the court “A United States First Amendment Affidavit Petition for Redress of Grievances.” ECF No. 1. He has paid a filing fee of \$46.00. Therefore, this action has been commenced. As part of the court’s review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the document is 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.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) XX is not submitted
- (2) is missing affidavit
- (3) XX 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) XX is not on proper form (must use the court's current form)
- (9) ___ names in caption do not match names in caption of complaint, petition or habeas application
- (10) XX other: **Plaintiff may either pay the \$5.00 filing fee for a habeas corpus action or pay the \$400.00 filing fee if he intends to pursue a prisoner civil rights action.**

Complaint, Petition or Application:

- (11) XX is not submitted
- (12) XX 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: **It appears that Plaintiff is making allegations concerning his state criminal proceedings. The present action is not an appropriate vehicle for pursuing such claims. He may either file a Prisoner Complaint or an Application for a Writ of Habeas Corpus.**

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) 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, if Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order,** the action will be dismissed without further notice. The dismissal shall be without prejudice. It is

FURTHER ORDERED that the Clerk of Court return the \$46.00 filing fee to Plaintiff. It is

Further Ordered that the Clerk of Court assign this case the appropriate civil action number, assign this case to Magistrate Judge Gordon P. Gallagher, and change

the caption as indicated in this Order.

DATED November 9, 2015, at Denver, Colorado.

BY THE COURT:

s/ Lewis T. Babcock
Senior United States District Judge

