

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

Civil Action No. 16-cv-00861-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.)

VERONICA MARTINEZ,

Petitioner,

v.

JESSICA MARTINEZ,

Respondent.

ORDER DIRECTING PETITIONER TO CURE DEFICIENCIES

Petitioner has filed *pro se* Petitioner's Verified Motion for Publication of Summons by Consolidated Notice (ECF No. 1), a Motion to File Without Payment of Filing Fee (ECF No. 3), an Affidavit of Abandonment (ECF No. 4), Petitioner's Pretrial Statement (ECF No. 5), a Sworn Financial Statement (ECF No. 6), a Certificate of Compliance with Mandatory Financial Disclosures (ECF No. 7), a Parenting Plan (ECF No. 8), a Petition for Allocation of Parental Responsibilities (ECF No. 9), a Certificate of Service (ECF No. 10), and a cover letter (ECF No. 11). It is not clear whether Petitioner intended to file this action in state district court or in federal district court because Petitioner has used a number of state court forms. Furthermore, it appears that Petitioner's claims seeking parental rights for two minor children under Colorado state law properly are asserted in a state court action.

As part of the court's review pursuant to D.C.COLO.LCivR 8.1(a), the court has

determined that the documents are deficient as described in this order. Petitioner will be directed to cure the following if she wishes to pursue her claims in federal court in this action. If Petitioner does not intend to pursue her claims in this federal court action, she should advise the court of that fact and the instant action will be dismissed without prejudice. Any papers that Petitioner files in response to this order must include the civil action number on this order.

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
- (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 Petitioner cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Petitioner files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Petitioner shall obtain the court-approved Application

to Proceed in District Court Without Prepaying Fees or Costs (Long Form) and Complaint forms, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that, if Petitioner 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.

DATED April 18, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge