

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

Civil Action No. 16-cv-00863-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.)

JEFFREY A. KEY,

Plaintiff,

v.

PITKIN COUNTY JAIL,
DON BIRD, ADMINISTRATOR, and
JOE DiSALVO, SHERIFF,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff Jeffrey A. Key is detained in the Pitkin County Detention Center in Aspen, Colorado. On April 15, 2016, Plaintiff filed *pro se* a Complaint and an Application to Proceed in District Court without Prepaying Fees or Costs. (ECF Nos. 1, 3). As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(b), the Court determined that the documents were deficient, namely, they were missing a certified copy of Plaintiff's inmate trust fund statement for the 6-month period immediately preceding this matter as well as the authorization to calculate and disburse filing fee payments. (ECF No. 5). Plaintiff attempted to cure these deficiencies on April 25, 2016. (ECF Nos. 6, 7). Plaintiff and a representative of the Pitkin County Jail certified that the provided inmate trust fund statement was for the past eleven months, but the entries on the provided statement are dated May 21, 2015 through December 12, 2015. (ECF No. 6 at 5). There are no

entries for January through April 2016, which are within the six-month period immediately preceding this matter. (See *id.*). In light of Plaintiff's attempt to cure deficiencies, the Court will allow another opportunity to provide the correct documentation. Plaintiff is directed to cure the following if he wishes to pursue the claims in this action. Any papers that Plaintiff files in response to this order must be labeled with the civil action number identified on this order.

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

- (1) ___ 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** (account statement must be certified by the warden or other appropriate officer of the institution in which you are confined)
- (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) xx other: motion and supporting documents are necessary only if filing and administrative fees totaling \$400.00 are not paid in advance.

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 be labeled with the civil action number identified on this order. It is

FURTHER ORDERED that Plaintiff may obtain the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (with the assistance of his case manager or the facility's legal assistant) at www.cod.uscourts.gov.

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.

DATED April 26, 2016, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher
United States Magistrate Judge