

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADOCivil Action No. 05 - CV - 02636-oes

(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.)

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 28 2005

GREGORY C. LANGHAM  
CLERK

SHANE BURDEN,

Plaintiff,

v.

R. WOOD #20883, under color of law offical [sic] capacity,  
C. HEMPELMAN #20985, under color of law offical [sic] capacity,  
B. VONFELDT #884, under color of law offical [sic] capacity, and  
ATTORNEY GENRAL [sic] UNDERSTATE LAW offical [sic] capacity,

Defendants.

---

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND  
DIRECTING PLAINTIFF TO CURE DEFICIENCY**

---

Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Motion to File Without Payment and Supporting Financial Affidavit, and a Prisoner Complaint. The court has determined that the documents are deficient as described in this order. Notwithstanding the deficiencies, the clerk of the court will be directed to commence a civil action. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which the 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)        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 (Account statement submitted is not certified by a prison official.)
- (4)  is missing required financial information
- (5)  is missing an original signature by the prisoner
- (6)  is not on proper form (must use the court's current form)
- (7)  names in caption do not match names in caption of complaint, petition or habeas application
- (8)  An original and a copy have not been received by the court.  
Only an original has been received.
- (9)  other \_\_\_\_\_

**Complaint, Petition or Application:**

- (10)  is not submitted
- (11)  is not on proper form (must use the court's current form)
- (12)  is missing an original signature by the prisoner
- (13)  is missing page nos. \_\_\_\_\_
- (14)  uses et al. instead of listing all parties in caption
- (15)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other \_\_\_\_\_

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is

FURTHER ORDERED that the Plaintiff cure the deficiencies designated above

**within thirty (30) days from the date of this order.** Any papers which the Plaintiff

files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that, if the Plaintiff fails to cure the designated

deficiencies **within thirty (30) days from the date of this order**, the complaint and the

action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 28 day of December, 2005.

BY THE COURT:

s/ O. Edward Schlatter

---

O. EDWARD SCHLATTER  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

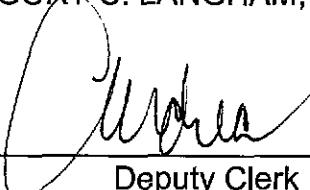
**CERTIFICATE OF MAILING**

Civil Action No. **05 - CV - 02636-DES**

Shane Burden  
Prisoner No. 62763  
Huerfano County Corr. Center  
304 Ray Sandoval Street  
Walsenburg, CO 81089

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals on 12/28/05

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk