

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 23 2006

Civil Action No. **06 - CV - 00309 - BAB**
(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.)

GREGORY C. LANGHAM
CLERK

KEITH E. FRAZIER, #114542,

Plaintiff,

v.

JOE ORTIZ, Executive Director, Colorado Department of Corrections ("CDOC"),
HOYT BRILL, Warden, Kit Carson Correctional Center ("KCCC"),
CORRECTIONS CORPORATION OF AMERICA ("CCA"),
COLORADO DEPARTMENT OF CORRECTIONS ("CDOC"),
KIT CARSON CORRECTIONAL CENTER ("KCCC")
MICHAEL ARRELANO, Chief, CDOC Private Prisons Monitoring Unit,
BRIAN FERRELL, Vice President, CCA State Customer Relations,
ANTHONY A. DECESARO, Step III Grievance Officer, CDOC,
DANA BUSTOS, Inmate Classification Representative/Spokesperson, CDOC,
JOHN/JANE DOE#1, Administrative Head, Denver Reception & Diagnostic Center,
NOLIN RENFROW, Director of Prisons, CDOC,
JOHN/JANE DOE #2, Manager of Offender Management, CDOC,
CENTRAL CLASSIFICATION COMMITTEE, CDOC,
FACILITY CLASSIFICATION COMMITTEE, KCCC,
JOHN/JANE DOE #3, Case Management Supervisor, KCCC,
TERESA REYNOLDS, Legal Assistant II/Office of Correctional Legal Services/Central Reading Committee, CDOC,
CATHIE HOLST, Manager of Office of Correctional Legal Services/Central Reading Committee Chairperson, CDOC,
JOHN/JANE DOE #4, Chief of Rehabilitation Services, CDOC,
JOHN/JANE DOE #5, Sex Offender Treatment and Monitoring Program Administrator, CDOC,
JOHN/JANE DOE #6, Chief of Clinical Service, KCCC,
JOHN/JANE DOE #7, Assistant Director of Clinical Services, KCCC,
OFFENDER READING MATERIAL COMMITTEE, KCCC,
REED BERNDT, Mental Health Coordinator, KCCC,
D. TERRY, Business Manager/Legal Department, KCCC,
FUCHS, Litigation Coordinator, KCCC,
CYNTHIA WILKINSON, A Unit Manager/Disciplinary Haring Committee, KCCC,
NOTHTURFT, Property Officer, KCCC,
ERHART, Captain, KCCC,

TAYLOR, Lieutenant, KCCC,
MCLINSKY, Correctional Officer, KCCC,
TRACHSEL, Correctional Officer, KCCC,
D.R. CARTOR, Sergeant/Lieutenant/Disciplinary Hearing Officer/Disciplinary Hearing
Committee Chairman, KCCC,
STEVE PHILLIPS, Property Officer, KCCC,
GREG WILKINSON, B Unit Manager, KCCC,
BALLWEG, Case Manager, KCCC,
MAILROOM CLERKS, KCCC,
GRIFFIN, Correctional Officer, KCCC,
VICK, Correctional Officer, KCCC,
COX, Captain/C Unit Manager/Disciplinary Hearing Committee, KCCC,
BROWNFIELD, Educational Instructor/Disciplinary Hearing Committee, KCCC,
N. JACKSON, Sergeant/Disciplinary Hearing Officer, KCCC,
REYMAN, Case Manager, KCCC,
WISEMAN, Liason [sic], CDOC Private Prisons Monitoring Unit,
RENEE BAIR, Programs Manager/Grievance Officer, KCCC,
MORALES, Captain, KCCC,
BREEDLOVE, Chief of Security, KCCC
HALL, Officer (rank unknown), KCCC,
SANDOVAL, Officer (rank unknown), KCCC,
VAUGHN, Grievance Officer, KCCC,
R. GALINDO, Captain KCCC,
DYCUS, Librarian/Law Librarian, KCCC,
LAMPE, Case Manager, KCCC,
SUTERLEE, Grievance Officer, KCCC,
KEIL, Sergeant, KCCC,
SPRADLING, Case Manager, KCCC, and
FRANZ, Grievance Officer, KCCC,

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, 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, is illegible, and does not cover the entire 6-month period.)
- (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 the clerk of the court mail to the Plaintiff, together with a copy of this order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915. 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 21st day of February, 2006.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

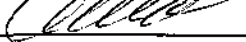
CERTIFICATE OF MAILING

Civil Action No. **06 - CV - 00309** -BAB

Keith E. Frazier
Prisoner No. 114542
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER and two copies of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915** to the above-named individuals on 2-23-06

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk