

FILED
IN THE UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT
DENVER, COLORADO
FOR THE DISTRICT OF COLORADO

MAR 14 2006

Civil Action No. 06 - CV - 00448 - BNB GREGORY C. LANGHAM
(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.)

HERMAN BARNES, JR.,

Plaintiff,

v.

R. WILEY,
L. LEYBA,
M. NALLEY, and
H. WATTS,

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) X is missing **CERTIFIED COPY** of prisoner's trust fund statement for the 6-month period immediately preceding this filing

- (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 13th day of March, 2006.

BY THE COURT:

Boyd Boland
BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

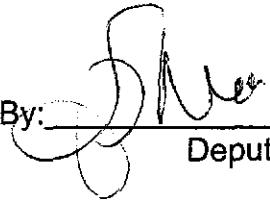
Civil Action No.

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Herman Barnes, Jr.
Reg. No. 22698-086
ADX - Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3-14-06

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk