

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**06 - CV - 01086**

Civil Action No.

**JUN - 8 2006**

**(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

ALEXANDER N. GARCIA,

Plaintiff,

v.

JOE ORTIZ, Executive Director of D.O.C.,  
CORRECTIONAL OFFICER, RORICK, (CTCF),  
CORRECTIONAL OFFICER, JOHNSON (CTCF),  
CORRECTIONAL OFFICER, H. WILLIAMS (CTCF)  
CORRECTIONAL OFFICER, SARGENT [sic] CELLA (CTCF),  
CORRECTIONAL OFFICER, SARGENT [sic] MULAY (CTCF),  
NURSE PRACTICIONER [sic] SHEILA (DOE) (CTCF),  
JAMES E. ABBOTT, Warden (CTCF),  
KEVIN MILYARD, Associate Warden (CTCF),  
TANYA GARCIA, Social Worker (ACC),  
NURSE PRACTICIONER [sic], MARYANN ALESSI (ACC),  
DR. BAUTISTA, Doctor (ACC),  
DELORES MONTOYA, Health Service Admin. (ACC),  
PATRACIO MANZANERAS, Major (ACC),  
MAJOR MASSEE, Major (ACC), and  
CARL ZENNON, Warden (ACC),

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 Combination Prisoner Complaint Violating the 8<sup>th</sup> Amendment Clause for Cruel and Unusual Punishment, Motion for Court Appointed Counsel, Motion for Preliminary Injunction and Tort Claim for Negligence of a Prison

Premises Resulting in Injury. 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
- (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; Prisoner Complaint. 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 7<sup>th</sup> day of June, 2006.

BY THE COURT:

  
\_\_\_\_\_  
BOYD W. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **06 - CV - 01086**

Alexander N. Garcia  
Reg. No. 82593  
Bent County Correctional Facility  
11560 Road FF.75  
Las Animas, CO 81054-9573

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and a Prisoner Complaint** to the above-named individuals on 6.8.06

GREGORY C. LANGHAM, CLERK

By  \_\_\_\_\_  
Deputy Clerk