

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

Civil Action No.

06-CV-01124-BN

(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, COLO.

JUN 13 2006

GREGORY C. LANGHAM
CLERK

WALTER BOIGEGRAIN,

Plaintiff,

v.

**COLORADO DEPARTMENT OF HEALTH
1375 Sherman Street, Denver, CO 80203, and
JEFFERSON COUNTY DEPT. OF HEALTH & HUMAN SERVICES
900 Jefferson County Parkway, Golden, CO 80401,**

Defendants.

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

Plaintiff has submitted a Plaintiff's Verified Complaint, a document titled "Plaintiff's Verified Statement Title 28 sec. 1951 U.S.C. Waive Court Fees," a document titled "Walter S. Boigegrain's Affirmative Defenses to the U.S Department of Education and Federal Offset Unit's: Claim for Alleged Student Loan and Garnishment of his Social Security Income and Medicare Benefits," a document titled "Plaintiff Motion for Order for Federal Offset of Social Security Administration Social Security Supplemental Income Owed Plaintiff," a document titled "Motion for Temporary Order Restraining Defendant from Garnish of Plaintiff's Social Security Income Pending: Submit Proof of Judgment," a document titled "Verified Affidavit to Proceed In Forma Pauperis to Waive Court Fee," a document titled "Plaintiff's Verified Statement Title 28 sec. 1951 U.S.C.

Waive Court Fee," a document titled "Petition to Proceed In Forma Paupers to Waive the Court Filing Fee," a document titled "Motion for Temporary Order Restraining Defendant the Termination of Medicare Part B Premium, Medicaid, Food Stamps, Irreparable Harm," and a document titled "Motion for Order for Defendant's to Produce Proof of Judgment for Garnishment Plaintiff's Social Security Disability Income & Medicare Benefit or Discharge Loan & Delete Plaintiff's 1985 Grade Transcripts." The court has determined that the documents are deficient as described in this order. He has failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) is not submitted
- (2) is not on proper form (must use the court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) An original and a copy have not been received by the court.
Only an original has been received.
- (9) other: motion is necessary only if filing fee is not paid in advance.

Complaint or Petition:

- (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 Plaintiff
- (13) is incomplete
- (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: a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a 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 12th day of June, 2006.

BY THE COURT:

Boyd N. Boland
BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

06-CV-01124-6NB

Civil Action No.

Walter Boigegrain
12650 W. 64th Ave. #E204
Arvada, CO 80004

I hereby certify that I have mailed a copy of the ORDER and two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Complaint to the above-named individuals on 6/13/06

GREGORY C. LANGHAM, CLERK

By: GAY _____
Deputy Clerk