

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLO.

JUN 16 2006

GRACEY C. LANGHAM  
CLERK

**06 - CV - 01154 - ANb**

Civil Action No. \_\_\_\_\_

**(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.)**

JOHN GARCIA, and  
EARL CROWNHART, Witness of Plaintiff,

Plaintiffs,

v.

SRGT. [sic] ROBINSON,  
SRGT. [sic] DOUGHERTY,  
C/O LOPEZ,  
C/O LANE,  
C/O VIGEL,  
GRACE,  
KATHIE, and  
KAY,

Defendants.

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

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Plaintiffs John Garcia and Earl Crownhart, who identifies himself as a witness for John Garcia, have 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. The Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers which the Plaintiffs file in response to this order must include the civil action

number on this order.

**28 U.S.C. § 1915 Motion and Affidavit:**

- (1) XX is not submitted separately and signed separately by each Plaintiff
- (2) \_\_\_ is missing affidavit
- (3) XX is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing submitted by each Plaintiff
- (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) XX names in caption do not match names in text
- (18) XX other Earl Crownhart signs as witness for John Garcia

Accordingly, it is

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

FURTHER ORDERED that the Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the Plaintiffs file in response to this order must include the civil action number on this order. It is

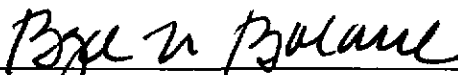
FURTHER ORDERED that the clerk of the court mail **to each Plaintiff**, together with a copy of this order, two copies of both the Prisoner Complaint form and of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915

form. It is

FURTHER ORDERED that, if the Plaintiffs fail 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 16<sup>th</sup> day of June, 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 - 01154** - BNB

John Garcia  
Reg. No. 20025  
Mesa County Det. Facility  
P.O. Box 20,000  
Grand Junction, CO 81502

Earl Crownhart  
Reg. No. 184712  
Mesa County Det. Facility  
P.O. Box 20,000  
Grand Junction, CO 81502

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 6/16/06

GREGORY C. LANGHAM, CLERK

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