

FILED
 UNITED STATES DISTRICT COURT
 DISTRICT OF COLORADO

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

JUL 25 2006

Civil Action No. 06 - CV - 01436 - BJB GREG J. LANGHAM
 CLERK
 (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.)

KEITH CLAYTON BROOKS, JR.,

Plaintiff,

v.

STEVE GEANZLE, individually, and in his official capacity as Deputy,
 PAUL SMITH, individually, and in his official capacity as Deputy,
 TERRY MAKETA, individually, and in his official capacity as Sheriff,
 EL PASO COUNTY,
 SEALY, individually, and in his official capacity as Deputy,
 FAIRCHILD, individually, and in his official capacity as Sergeant,
 ALLEN, individually, and in his official capacity as Lieutenant,
 ZANI, individually, and in his official capacity as Chief,
 JOHN DOE #1, whose identity and true name is unknown, and
 JOHN DOE #2, whose identity and true name is unknown,

Defendants.

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

Plaintiff has submitted a Motion for "Informa Pauperis" (Affidavit of Indigency), a Motion for Court Appointed Attorney, and a 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
- (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 24th day of July, 2006.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

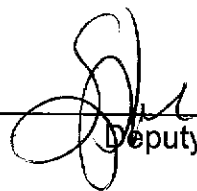
CERTIFICATE OF MAILING

Civil Action No. **06 - CV - 01436 - GMB**

Keith Clayton Brooks, Jr.
Criminal Justice Center
El Paso County Det. Facility
2739 E. Las Vegas Street
Colorado Springs, CO 80906

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 and Prisoner Complaint** to the above-named individuals on 7-25-06

GREGORY C. LANGHAM, CLERK

By:  Deputy Clerk