

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. **06 - CV - 01453**  
(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, COLORADO

**JUL 27 2006**

**GREGORY J. LANGHAM**  
CLERK

REX GIFFORD BURTON,

Plaintiff,

v.

AMTRAK,  
GRANDLUXE RAIL JOURNEYS, and  
SPORTS ILLUSTRATED,

Defendants.

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

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Plaintiff has submitted a Prisoner Complaint. He has failed either to pay the \$350.00 filing fee or to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The court has determined that the document is 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.

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

- (1)   X   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, copies of the following form: a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 26<sup>th</sup> day of July, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to be "Craig B. Shaffer", written over a horizontal line.

CRAIG B. SHAFFER  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO


**CERTIFICATE OF MAILING**

Civil Action No. **06 - CV - 01453**

Rex Gifford Burton  
3100 Craft Way  
Apartment # 215  
Westminster, CO 80030

I hereby certify that I have mailed a copy of the **ORDER and two copies of Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** to the above-named individuals on 7-27-06

GREGORY C. LANGHAM, CLERK

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