

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

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

**SEP 5 - 2006**

Clerk  
CLERK

Civil Action No. **06 - CV - 01749 - BNB**  
(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.)

CARRIE ANN ABSHER,

Plaintiff,

v.

MAUREEN & LARRY HEHR, Colorado Springs Police Department, El Paso County, et al.,

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 Motion to Remove from State Court All Civil and Criminal Actions. In the Motion, Plaintiff requests that four separate state court actions be removed from state court. Two of the state actions are criminal cases and two of the state actions appear to be civil cases. Plaintiff may not seek removal of all four cases in the same action. She will be instructed to amend the Motion for Removal and either seek removal of only one action or provide evidence to this Court that the cases are consolidated. Furthermore, Plaintiff is required under 28 U.S.C. § 1446(a) to provide to

this Court a copy of the original complaint, all other pleadings, orders, and process served that were filed in the state action she seeks to remove. Plaintiff also 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.

As part of this Court's review pursuant to D.C.COLO.LCivR 8.1, the Court has determined that the submitted 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 she wishes to pursue her claims. Any papers which Plaintiff files in response to this Order must include the civil action number on the Order.

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

- (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 (Account statement submitted is not certified by a prison official.)
- (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
- (8)  An original and a copy have not been received by the Court. Only an original has been received.
- (9)  other \_\_\_\_\_

**Complaint or Petition:**

- (1)  is not submitted (a copy of the original complaint, all other pleadings, orders, and process served that were filed in the state action Plaintiff seeks to remove)
- (2)  is not on proper form (must use the Court's current form)
- (3)  is missing an original signature by Plaintiff
- (4)  is incomplete
- (5)  uses et al. instead of listing all parties in caption
- (6)  An original and a copy have not been received by the Court. Only an original has been received.

- (7) \_\_\_ Sufficient copies to serve each defendant/respondent have not been received by the Court.
- (8) \_\_\_ names in caption do not match names in text
- (9) \_\_\_ other \_\_\_\_\_

Accordingly, it is

ORDERED that the Clerk of the Court commence a civil action in this matter. It is

FURTHER ORDERED that Plaintiff shall amend the Motion for Removal to seek removal of only one action or provide evidence to this Court that the cases listed for removal in the Motion for Removal submitted to the Court on August 25, 2006, are consolidated. It is

FURTHER ORDERED that Plaintiff must include with the Motion to Remove the original state complaint, all other pleadings, orders, and process served in state action for only one state action. It is

FURTHER ORDERED that Plaintiff cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers which Plaintiff files in response to this Order must include the civil action number on the Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiff, together with a copy of this Order, copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that, if Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 30<sup>th</sup> day of August, 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 - 01749** - *bnb*

Carrie Ann Absher  
CJC Detention Facility  
2739 E. Las Vegas St.  
Colorado Springs, CO 80906

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** to the above-named individuals on *4-5-06*

GREGORY C. LANGHAM, CLERK

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