

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

06 - CV - 02093 - BNB

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.)

GREGORY D. ALBRIGHT, and
BRANDON WHITFORD,

Plaintiffs,

v.

THE STATE OF COLORADO,
THE OFFICE OF THE GOVERNOR,
THE OFFICE OF THE COLORADO ATTORNEY GENERAL,
COLORADO DEPARTMENT OF CORRECTIONS,
CDOC, Division of Parole,
COLO. BOARD OF PAROLE,
BILL OWENS, Governor,
JOHN W. SUTHERS, Atty. Gen.,
JOSEPH ORTIZ, Exec. Dir.,
JEANEENE MILLER, Dir.,
ALLAN F. STANLEY,
CURTIS W. DEVAN,
DEBORAH ALLEN,
JOHN B. ROSEN,
MATHEW J. RHODES,
VERNE R. SAINT VINCENT, and
LESLEE V. WAGGNER,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

OCT 20 2006

GREGORY C. LANGHAM
CLERK

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

Plaintiffs Gregory D. Albright and Brandon Whitford have submitted a Prisoner Complaint, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Petition for Service of Summons and Complaint, and a Motion to Add

Exhibits to Civil Rights Complaint. Plaintiff Albright also has submitted a document titled "Affidavit" and a document titled "Stipulations for the Record of the Capacity of Lay Advocate." As part of the court's review pursuant to D.C.COLO.LCivR 8.2, 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. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers that 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) 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 (Plaintiff Whitford has not submitted an account statement)
- (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 Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that Plaintiffs file in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that, if Plaintiffs fail to cure the designated deficiencies **within thirty (30) 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 19th day of October, 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 - 02093 - BNB**

Gregory D. Albright
Reg. No. 95774
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

Brandon Whitford
Reg. No. 122120
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 10/20/06

GREGORY G. LANGHAM, CLERK

By: 

Deputy Clerk