

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED

UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 06 - CV - 02241 - bnb NOV - 8 2006

(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.)

GRECCO, CLERK  
HAM  
CLERK

JON VAUPEL,

Petitioner,

v.

ALBERTO R. GONZALES, United States Attorney General,  
MICHAEL CHERTOFF, Secretary of Homeland Security,  
DOUGLAS MAURER, USICE Field Office Director for Colorado,  
FREDERICK WEGENER, Sheriff of Park County, and  
LT. DANIEL MULDOON, Park County Detention Center Administrator,

Respondents.

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

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Petitioner Jon Vaupel has submitted a "Class Action Petition for Emergency Preliminary and Mandatory Injunctive Relief" together with an appendix of exhibits. He 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 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. Petitioner Vaupel will be directed to cure the following if he wishes to pursue his claims. Petitioner Vaupel is advised that, although he claims to represent a number of other inmates, a *pro se* party may not

represent another *pro se* party in federal court. **See** 28 U.S.C. § 1654. Therefore, Petitioner Vaupel may pursue only his own claims for relief in this action. Any papers that Petitioner Vaupel 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: motion is necessary only if full filing fee is not paid in advance.

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

FURTHER ORDERED that, if Petitioner 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 7<sup>th</sup> day of November, 2006.

BY THE COURT:

  
\_\_\_\_\_  
BOYD W. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. **06 - CV - 02241 - bnb**

Jon Vaupel  
Park County Detention Center  
P.O. Box 965  
Fairplay, CO 80440

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 11-8-06

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk