

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

Civil Action No. **07 - CV - 00572** *bnb*

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

MAR 22 2007

**(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 J. HANHAM  
CLERK

DAVID NOLAND,

Plaintiff,

v.

JOE ORTIZ,

Defendant.

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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 and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, and a Prisoner Complaint. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the submitted document(s) is/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.

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

- (1)  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 (Page 1 is incomplete. The question regarding service of process is not answered.)

- (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 \_\_\_\_\_

**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 forms: 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 21<sup>st</sup> day of March, 2007.

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. **07 - CV - 00572**

David Noland  
10444 E. 14<sup>th</sup> Ave., #304  
Aurora, CO 80010

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 7-22-07

GREGORY C. LANGHAM, CLERK

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