

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 13 2007

Civil Action No. **07 - CV - 00749** *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.)

GRECCO, L. LANGHAM
CLERK

JERRY D. GRADY
 DONALD ADAM PENROD,
 ALL COLORADO (DOC) PRISONERS, who must use AR-850-4 Inmate Grievance
 Procedure to access the courts, and
 ALL (DOC) PRISONERS, who are similarly situated with Donald Adam Penrod who in
 the past two years have been harassed and retaliated against for exercising
 [sic] AR-850-4 Inmate Grievance Procedure and/or right to access the courts,
 some who have lawsuits pending in the federal courts and cannot adequately
 protect the rights of the class without class certification,

Plaintiff(s) pursuant to Fed. R. Civ. Proc. Rule 23(a)(b)(1)(A)"(B)" "(2)" "(3),"

v.

COLORADO GOVERNOR BILL RITTER,
 COLORADO DEPARTMENT OF CORRECTIONS, official capacity,
 ARISTEDES ZAVARAS, Department of Corrections Executive Director,
 COLORADO DEPARTMENT OF PERSONNEL, including
 JOHN DOE EXECUTIVE DIRECTOR,
 ED GILLESPIE, (DOC) Step III Grievance Officer,
 ANTHONY A. DECESARO, (DOC_ Step III Grievance Officer,
 B.V.C.F. WARDEN ANTHONY CAROCHI,
 WALT AHRENS, (BVCF) Administrative Services Manager,
 MIKE RULE, Inspector General,
 MICK MCCORMICK, Investigator for Inspector General,
 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO,
 B.V.C.F. ASSOCIATE WARDEN GEORGE DUNBAR,
 MAJ. LINAN,
 CPT. WILLIAM BRUNELL,
 CPT. CLIFFORD ROBINSON,
 CTP. GUS ARGUS,
 CPT. KIMBRELL,
 LT. JOE MCFEE,
 LT. RICH FISHER,
 LT. BILL JENSEN,
 LT. PAUL VOTH, B.V.C.F. Care Manager,
 SGT. RANDY ANDERSON,

C/O LEANNA KIMBERLIN, and
JOHN DOE & JANE DOE, (DOC) Wardens, Administrators, and Supervisors,

Defendants.

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

Plaintiffs Jerry D. Grady and Donald Adam Penrod are attempting to initiate a class action lawsuit by submitting a Prisoner Complaint that only bears Mr. Penrod's original signature. Mr. Grady's signature is a photocopy dated May 23, 2005. Mr. Penrod also has submitted a letter to the clerk of the court. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted 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 which the 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 by each plaintiff
- (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 _____

Complaint, Petition or Application:

- (10) is not submitted

- (11) XX is not on proper form (must use the court's current form)
- (12) XX is missing an original signature by each 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) XX other The complaint bears an original date of May 23, 2005

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is FURTHER ORDERED that the plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the plaintiffs file 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 plaintiffs, together with a copy of this order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Prisoner Complaint. It is

FURTHER ORDERED that any plaintiff who fails to cure the designated deficiencies **within thirty (30) days from the date of this order** will be dismissed without further notice as a party to this action. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 11th day of april, 2007.

BY THE COURT:



BOYD M. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **07 - CV - 00749**

Jerry D. Grady
Prisoner No. 93047
Buena Vista Minimum Center
PO Box 2005
Buena Vista, CO 81211

Donald A. Penrod
Prisoner No. 76672
Centennial Corr. Facility
PO Box 600
Cañon City, CO 81215-0600

I hereby certify that I have mailed a copy of the **ORDER and two copies of 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 4-13-07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk