

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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

JUL 3 2007

Civil Action No. **07 - CV - 01389** *Bnb* GREGORY C. LANGHAM  
(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.)  
CLERK

MALCOLM M. RUNNEL,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,  
LIMON CORRECTIONAL FACILITY,  
ARCHULETA, Warden,  
LT. TIMOTHY SMELSER, Staff ID # 4127,  
LT. E. KOUR, and  
SGT. CARDUCCI,

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 Prisoner's 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 8.2, 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. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which Plaintiff files in response to this order must include the civil action number on this order. The court further advises Plaintiff that his handwriting is illegible. Plaintiff is directed to

write legibly in all future filings he submits to the court. If the court is not able to understand Plaintiff's pleadings, the Complaint may be subject to dismissal.

**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 (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, 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 Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which 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 Plaintiff, together with a copy of this order, two copies of the following form: Prisoner Complaint. It is

FURTHER ORDERED that, if 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 28<sup>th</sup> day of June, 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 - 01389**

Malcolm M. Runnel  
Doc# 59529  
Centennial Corr. Facility  
PO Box 600  
Canon City, CO 81215

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner Complaint** to the above-named individuals on 7/3/07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk