

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 5 2007

Civil Action No. **07-CV-01408** *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.)

GREGORY C. LANGHAM  
CLERK

EDGAR PEÑA ORTEGA,  
ANASTACIO VALDEZ,  
ROSA MEDINA,  
GUILLERMO OROZCO, and  
ISMAEL ROMANDO RIVERA,

Plaintiffs,

v.

FRANCISCO SAENZ, d/b/a SAENZ CONTRACTING,  
HULTEEN ORCHARDS, INC., a Colorado Corporation, and  
MOUNTAIN FRESH L.L.C. a Colorado Corporation,

Defendants.

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

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Plaintiffs Edgar Peña Ortega, Anastacio Valdez, Rosa Medina, Guillermo Orozco, and Ismael Romando Rivera have submitted, through counsel, a complaint. Only Edgar Peña Ortega has submitted a 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 8.1, 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 Plaintiffs file 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 by each Plaintiff
- (2)  is not on proper form (must use the court's current form)
- (3)  is missing original signature by plaintiff/petitioner/applicant
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit on motion submitted by Plaintiff Edgar Peña Ortega 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/petitioner/applicant
- (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 Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which 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 counsel for each Plaintiff, together with a copy of this order, five copies of the following form: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

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

DATED at Denver, Colorado, this 30 day of July, 2007.

BY THE COURT:



CRAIG B. SHAFFER  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

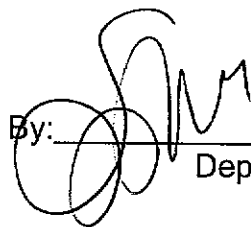
Civil Action No **07 - CV - 01408**

Jennifer J. Lee  
Colorado Legal Services  
Migrant Farm Worker Division  
**DELIVERED ELECTRONICALLY**

Patricia Medige  
Colorado Legal Services  
Migrant Farm Worker Division  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the **ORDER and five copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** to the above-named individuals on 7/5/07

GREGORY C. LANGHAM, CLERK

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