

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **07-CV-01446-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.)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DENNIS LEON SMITH, and
BRUCE CLYDE SMITH,

JUL 10 2007

Plaintiffs,

GREGORY C. LANGHAM
CLERK

v.

UNITED STATES,
STATE OF COLORADO,
STATE OF OKLAHOMA,
STATE OF KANSAS,
STATE OF NEW MEXICO,
STATE OF TEXAS, and
JOHN AND JANE DOES 1-50,

Defendants.

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

Plaintiffs have submitted a letter to the court, a document titled "Private Case to Appropriate Suitor's Superior Claim," and a document titled "Suitor's One Supreme Court Rules." Plaintiffs have failed either to pay the \$350.00 filing fee or to file individual motions seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court also has determined that the documents submitted 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 that 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 (each Plaintiff must submit an individual motion)
- (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: motions are necessary only if filing fee is not paid.

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
- (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 Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that 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 Plaintiffs, together with a copy of this order, two copies of the following forms: Complaint; Motion and Affidavit for

Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that, if either 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 to this action without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 6th day of July, 2007.

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. **07 - CV - 01446-BNB**

Dennis Leon Smith
c/o Passport Ministries
Box 114
Campo, CO 81029

Bruce C. Smith
c/o Passport Ministries
PO Box 114
Campo, CO 81029

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** and a **Complaint** to the above-named individuals on 7/10/07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk