

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

AUG 09 2007

GREGORY C. LANGHAM  
 CLERK

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLORADO

Civil Action No. **07 - CV - 01675 - 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.)

DARRELL FORTNER, and  
 JENNIFER FORTNER,

Plaintiffs,

v.

RENE CARTIER,  
 DEAN EASTEPP, and  
 BARBARA HUGHES,

Defendants.

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

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Plaintiffs have submitted a Complaint and 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 8.2, the court has determined that the 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 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 (Plaintiffs must submit individual motions)
- (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) \_\_\_ 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 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: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that, if Plaintiffs fail to cure the designated deficiencies **within thirty (30) days from the date of this order,** the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 9<sup>th</sup> day of August, 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 - 01675 - BNB**

Darrell Fortner  
Jennifer Fortner  
13365 Nelson St.  
Colorado Springs, CO 80908

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 form** to the above-named individuals on 8/9/07

GREGORY C. LANGHAM, CLERK

By: 

\_\_\_\_\_  
Deputy Clerk