

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**07-CV-01839-BNB**Civil Action No. 07-CV-01839-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.)

MIKEAL GLENN STINE, and
RAYMOND OECHSLE,

Plaintiffs,

v.

HARRY LAPPIN, Director BOP,
MICHAEL NALLEY, Regional Director BOP, and
RON WILEY, Warden ADX Supermax,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 31 2007

GREGORY C. LANGHAM
CLERK

**ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND
INSTRUCTING PLAINTIFF RAYMOND OECHSLE TO CURE DEFICIENCIES**

Plaintiffs Mikeal Glenn Stine and Raymond Oechsle have submitted to the Court a Prisoner Complaint. Plaintiff Mikeal Glenn Stine also has submitted a Prisoner's 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 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.

The Court notes that Plaintiff Oechsle claims that prison staff will not provide him with a certified copy of his account statement unless he has a case number. Upon review of the information Mr. Oechsle has attached, the Court finds that he is able to

obtain the needed account statement by providing the dates the statement needs to cover and the case number of the instant action. Once Mr. Oechsle receives the instant order he should be able to obtain the necessary certified printout. The Court, however, finds it disconcerting that Plaintiff Stine was able to obtain a certified copy of his account statement on the same day that Mr. Oechsle claims he was denied a copy.

Plaintiff Raymond Oechsle will be directed to cure the following if he wishes to pursue his claims. Any papers that either Plaintiff files in response to this Order must include the civil action number that is in the caption of the Order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) xx is not submitted by Plaintiff Raymond Oechsle
- (2) is missing affidavit
- (3) xx is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (**For Raymond Oechsle**)
- (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) pleading submitted is missing an original signature by all of the prisoners
- (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 of the complaint for service on 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 Raymond Oechsle cure the deficiencies designated above **within thirty days from the date of this Order**. Any paper that either Plaintiff files in response to this Order must include the civil action number that is in the caption of this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiffs Raymond Oechsle and Mikeal Glenn Stine a copy of this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiff Raymond Oechsle two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 Court-approved form. It is

FURTHER ORDERED that if Plaintiff Raymond Oechsle fails to cure the designated deficiencies **within thirty days from the date of this Order** he will be dismissed as a party to this action without further notice.

DATED at Denver, Colorado, this 31st 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-01839-BNB

Mikeal Stine

Reg. No. 55436-098

ADX – Florence

PO Box 8500

Florence, CO 81226

Raymond Oechsle

Reg. No. 44776-066

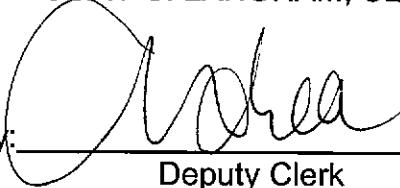
ADX – Florence

PO Box 8500

Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals **and two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 to Raymond Oechsle only** on 8/31/07

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk