

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 20 2007

Civil Action No. **07 - CV - 01975** *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.)

GRECCO, S. LANGHAM
CLERK

KEITH FRAZIER, #114542,

Plaintiff,

v.

JOE ORTIZ, Executive Director, CDOC,
COLORADO DEPARTMENT OF CORRECTIONS ("CDOC"),
LIMON CORRECTIONAL FACILITY ("LCF"),
AL ESTEP, Warden, LCF,
LOU ARCHULETA, Warden, LCF,
DELAYNE TOMOWSKI, Associate Warden, LCF,
ANTHONY A. DeCESARO, Step III Grievance Officer, CDOC,
JOHN DOE #1, Law Librarian, LCF,
HIGGENBOTHAM, Law Librarian, LCF,
A. COSNER, Law Librarian, LCF,
OFFICE OF CORRECTIONAL LEGAL SERVICES, CDOC,
ANTHONY, Case Manager, LCF,
P. GABRIEL (#5165), Mailroom Employee, LCF,
C. JAQUES, Mailroom Employee, LCF,
SANDI PATRICK-HENDRIX, Mailroom Employee, LCF,
MAILROOM, LCF,
READING COMMITTEE, LCF,
CENTRAL READING COMMITTEE, CDOC,
CATHIE HOLST, Office of Correctional Legal Services,
CENTRAL READING COMMITTEE CHAIR, CDOC,
ACCOUNTING DEPARTMENT / BANKING SERVICE, LCF,
TREVOR WILLIAMS, Review Committee Chair,
CUSTODY/ CONTROL MANAGER, LCF,
TONY OUTEN, Custody/Control Manager, LCF,
MENTAL HEALTH / SEX OFFENDER TREATMENT PROGRAM STAFF, LCF,
JOHN DOE #2, Chief of Clinical Services, LCF,
BILL RUSHER, Reading Committee Chair, LCF,
TOM O'BRIEN, Step II Grievance Officer, LCF, and
JAMES D. (#2251), Step I Grievance Officer, LCF,

Defendants.

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

Plaintiff has submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915, Prisoner Complaint, a document titled "Plaintiff's Motion Requesting Permission to Serve a Single Complaint on the Attorneys Who Represent all of the Defendants," a document titled "Plaintiff's Motion for Appointment of Counsel," and a document titled "Plaintiff's Motion Requesting Limited Interrogatories to Identify Unnamed/Unknown Defendants." 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 the Plaintiff files 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
- (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 the Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the 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 the Plaintiff, together with a copy of this order, two copies of the following forms: a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and a Prisoner Complaint.

It is

FURTHER ORDERED that, if the 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 18th day of September, 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 - 01975**

Keith E. Frazier
Prisoner No. 114542
Crowley Correctional Facility
6564 State Highway 96
Onley Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and Prisoner Complaint** to the above-named individuals on 9/20/07

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk