

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

Civil Action No. 07-cv-02163-BNB

JACOB HIMMLER, and Individual,

Plaintiff,

v.

ELODE BRODBECK, In her Individual and her Official Capacity,
DAVID KIEFFER, In his Individual Capacity,
BEHAVIORAL ASSOCIATES, INC., A Colorado Corporation,
PATRICIA PHILLIPS, In her Individual Capacity, and
MARY J. MULLARKEY, In her Official Capacity,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 17 2007

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

On October 10, 2007, Plaintiff submitted to the Court a document titled "Superseded Verified Complaint and Jury Demand." As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the submitted document is deficient as described in this Order. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which Plaintiff files 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) X is not submitted
- (2) is not on proper form (must use the Court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit 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 Plaintiff
- (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 Plaintiff cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers which Plaintiff files in response to this Order must include the civil action number that is on this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiff, together with a copy of this Order, copies of the following forms: Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this Order** the Complaint and the action will be dismissed without further notice.

DATED October 17, 2007, at Denver, Colorado.

BY THE COURT:

s/ 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-02163-BNB

Jacob Himmler
825 9th Street
Berthoud, CO 80513

I hereby certify that I have mailed a copy of the **ORDER and two copies of Complaint and Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24** to the above-named individuals on 10/17/07

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk