

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 07 - CV - 02191 *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.)

OCT 18 2007

GREGORY J. LANGHAM
CLERK

RAYMOND OECHSLE,

Plaintiff,

v.

MR. VEACH, Warden USP Terre Haute,
MR. THOMAS WEBSTER, Clinical Dir, USP-Terre Haute,
STEVEN NAFZIGER, Clinical Dir. USP Florence, ADX,
MR. RON WILEY, Warden USP Florence, and et al,

Defendants.

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

Plaintiff has submitted a document titled "Emergency Motion for Evidentiary Hearing/T.R.O. Preliminary Injunction." He has failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Plaintiff also has failed to file his claims on a court-approved form used in filing prisoner complaints. 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: motion is necessary only if filing fee is not paid in advance.

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

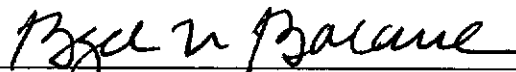
FURTHER ORDERED that the clerk of the court mail to the Plaintiff, together with a copy of this order, two copies of the following forms: Prisoner Compliant and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915. It is

FURTHER ORDERED that, if the Plaintiff fails to cure the designated

deficiencies **within thirty (30) days from the date of this order**, the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 16th day of October, 2007.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

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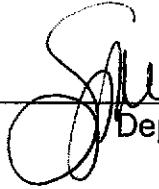
CERTIFICATE OF MAILING

Civil Action No. **07 - CV - 02191**

Raymond Oechsle
Reg. No. 44776-066
USP Florence ADX
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** and **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 10/18/07

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk