

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. '09 - CV - 00072 -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.)

JUSTIN RUEB #94567, also known as
JUSTIN JOSEPH RUEB,
ROY HERNANDEZ #57239,
CESAR CABRERA, JR. #114314,
DARLY WAGNER #60176,
DANIEL GONZALES #82260,
MICHAEL WAYNE HARVEY #119108,
DAVID EURIOSTE #68633,
RUDY BALL #117586,
DAVID J. NORMAN #116936,
VERNON TEMPLEMAN #51255,
KENNETH J. SLAPE #90940,
JUSTIN W. LAMB #126857,
RAY MAYNES #102755,
GILBERT MONTUR #68621,
LARRY SCOTT #56287,
JORDON BURDEN #94635,
LEROY ARMIJO #64355,
STEVEN BEAUDRY #105253,
RAYMOND CAIN #88807,
JARED VILLAREAL #118512,
JAMES R. WASHINGTON #126954,
CARLOS MONDRAGON #69193,
BOBBY VALENZUELA #60577,
ALAN MEADS #131676,
RICHARD POWER #127992,
KHADASI Z. HORLEN #123224,
JACOB OAKLEY #123294,
LARRY UPTON #118846,
MICHAEL A. LETS #105561,
WAYNE JUNE #114976,
FRANCISCO CORDOZA #109770,
CHRIS SOLANO #98539,
JUAN CARPIO #131589,
JOSH MATTHEWS #123848,
RAYMOND A. MARTINEZ #62086,
DEON EDWARDS #60080,
PATRICK PLACENSIO #66074,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 15 2009

GREGORY C. LANGHAM
CLERK

SHAWN SHIELDS #69301,
GEORGE SHANKLIN #60141,
MIKE HERNANDEZ #87483,
JOE PARSONS #80152,
MATTHEW PAZ #121462,
RICKY MAES #127326,
SHANE CROOK #102750,
DUSTIN A SHERWOOD #109711,
ALONSO ALIRE #137184,
DAVID MORENO #135344,
JOHNNY J. QUINTANA #49663,
ANASTASIA HELOV, and
MIRIAM NYSTAD,

Plaintiffs,

v.

ARISTEDES ZAVARAS,
BROWN (CAPTAIN),
JOHN OR JANE DOE #3,
DENNIS BURBANK,
KATHLEEN BOYD,
DANIEL DENT,
JIM GENTILE,
CATHIE HOLST,
JOHN OR JANE DOE #1,
C. MCCARTY,
CHRISTINE MOSCHETTI,
R. OLIVETT,
LARRY REID,
C. ROY,
PEGGY STEELE,
RICHARD WREN,
D. ZUPAN,
BUCHANAN,
EUGENE ATHERTON,
C. BARR,
CORTEZ,
D. P. DIAZ,
SUE GRISENTI,
H. T. HUERTAS,
JOHN DOE #2,
MUNSON,
M. N. MCCORMICK,

JAMES A. OLSON,
J. ROMERO,
KEN SALAZAR,
R. TWILLENER,
D. WILLIAMS,
BROWN (SERGEANT),
S. OWENS,
BOBBY ALLEN,
Y. BROWN,
ANNE DEFUSCO,
DANNY FOSTER,
M. HILDEBRAND,
CARL HOLDITCH,
J. JIMINEZ,
MCGREGORY,
C. MAY,
PANEK,
RODECAPE,
JOHN SUTHERS,
G. VENDETTI,
H. WILLIAMS,
ANTHONY DECESARO,
R. WILLIAMS,
ROBERT ALLEN,
BRANDT,
JAMES DALTON,
S. GARCIA,
HALSTEAD,
SUSAN JONES,
ANGEL MEDINA,
MARTINEZ,
DONICE NEAL,
J. PEDRIE,
W. RICHTER,
JOHN STONER,
H. WILKINS, and
J. WRIGHT,

Defendants.

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

Plaintiff, Justin Rueb, also known as Justin Joseph Rueb, apparently is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Colorado State Penitentiary. The caption to this order has been corrected to include Mr. Rueb's alias.

Mr. Rueb appears to have mailed a number of loose filings to this Court on December 30, 2008, in an envelope that was destroyed in the mail in transit. Only one document, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that only Mr. Rueb has signed, was stapled. The filings tendered by Mr. Rueb apparently were rewrapped and resent to this Court by the mail recovery centers in St. Paul, Minnesota, and in Denver.

According to a note written by Mr. Rueb to the Court, he mailed ten different documents to the Court in the envelope that was destroyed. The Court does not appear to be in receipt of ten different documents. Other than the stapled Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, the Court can only speculate that it is in receipt of what appears to be a Prisoner Complaint with fifty Plaintiffs, each of whom is listed in the caption to this order. At least three of the received documents appear to be a motion for a temporary restraining order and a preliminary injunction, a declaration in support of the motion for a temporary restraining order, and a supplemental motion for a temporary restraining order and preliminary injunction initiated by Mr. Rueb. A sixth document is titled "Briefing of Applicable Legal Standards for This Joint Lawsuit." A seventh document is titled "Plaintiff's Lawsuit Summary."

However, because the papers to these seven documents were received by the

Court out of order, it is impossible for the Court to determine what pages go with which document, what are the ten different documents sent to the Court, and whether some of the documents mailed are missing from the documents the Court received.

Therefore, the clerk of the Court will be directed to mail to Mr. Rueb, together with a copy of this order, a copy of all the papers received by this Court and the best copies possible of the destroyed envelope Mr. Rueb used to mail his filings and the envelope used by the Postal Service to rewrap the filings.

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. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers that the 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 for each Plaintiff
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing for each Plaintiff other than Mr. Rueb
- (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 pages

- (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) X other: fails to provide an address for each named Plaintiff and Defendant

Accordingly, it is

ORDERED that the clerk of the Court commence a civil action in this matter. It is

FURTHER ORDERED that the clerk of the Court mail to Plaintiff, Justin Rueb, also known as Justin Joseph Rueb, together with a copy of this order, a copy of all the papers received by this Court and the best copies possible of the destroyed envelope Mr. Rueb used to mail his filings and the envelope used by the Postal Service to rewrap the filings. It is

FURTHER ORDERED that Plaintiffs are advised that they should keep copies of any documents they submit to the Court because the Court's electronic filing system does not allow the Court to maintain paper copies. Plaintiffs may obtain copies of the electronic documents filed in this action in the future at a cost of fifty cents per page, to be paid in advance. 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 Plaintiff, Justin Rueb, together with a copy of this order, forty-nine copies of the following form to be used by each named Plaintiff who has not submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915: Prisoner's Motion and Affidavit for Leave to

Proceed Pursuant to 28 U.S.C. § 1915. It is

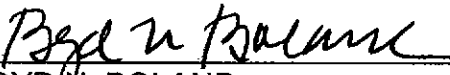
FURTHER ORDERED that the clerk of the Court mail to Plaintiff, Justin Rueb, together with a copy of this order, two copies of the following form to be used in submitting an amended Prisoner Complaint: Prisoner Complaint. It is

FURTHER ORDERED that the amended complaint shall be titled "Amended Prisoner Complaint," and shall be filed with the Clerk of the Court, United States District Court for the District of Colorado, Alfred A. Arraj United States Courthouse, 901 Nineteenth Street, A105, Denver, Colorado 80294. It is

FURTHER ORDERED that, if any Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, that Plaintiff will be dismissed without further notice as a party to this action.

DATED at Denver, Colorado, this 14th day of January, 2009.

BY THE COURT:



BOYD W. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. '09 - CV - 00072 -BNB

Justin Joseph Rueb
Prisoner No. 94567
Colorado State Penitentiary
PO Box 777
Cañon City, CO 81215-0777

I hereby certify that I have mailed a copy of the **ORDER**, a copy of the documents and envelopes sent to the court, 49 copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915, and two copies of the Prisoner Complaint forms to the above-named individuals on 1/15/09.

GREGORY C. LANGHAM, CLERK

By: _____

Deputy Clerk