

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

00 - CV - 00103 B13

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 9 1 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. _____

(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.)

NEAL ALLEN MORRIS,

Plaintiff,

v.

THE STATE OF COLORADO (Including, but not limited to),
THE GOVERNOR OF COLORADO,
THE COLORADO DEPARTMENT OF CORRECTIONS (DOC) AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE COLORADO STATE PAROLE BOARD [sic] AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE COLORADO ADULT PAROLE AND COMMUNITY CORRECTIONS (COMCOR) AND EMPLOYEES AND CONTRACT WORKERS THEREOF,
THE KIT CARSON CORRECTIONAL CENTER (KCCC) IN KIT CARSON COUNTY, COLORADO,

BILL RITTER JR., Governor of the State of Colorado,
ARISTEDES W [sic] ZAVARAS, Executive Director of the Colo. Dept. of Corrections,
ANTHONY A. DeCESARO, Grievance Officer for the Colo. Dept. of Corrections,
JEANNIE MILLER, Executive Director of the Colorado State Parole Board,
TIM HAND, Executive Director of Colo. Adult Parole & Community Corrections,
WES ALLEN, Colorado Adult Parole and Community Corrections,
DAVID ALLEN, Parole Officer with the West Metro Parole Office,
CORY POWERS, Parole Officer with the West Metro Parole Office,
HOYT BRILL, Warden of Kit Carson Correctional Center (KCCC),
MR. HASSENFRTZ, Unit E Unit Manager KCCC,
MS [sic] COPPER, Unit C Unit Manager KCCC,
MS. PATTON, Unit E Case Manager, KCCC,
MS. VAUGHN, Unit C Case Manager KCCC,
MS. MAINE, Private Prison Monitor Unit of KCCC
MR. SMELSER, Private Prison Monitor Unit of KCCC,
MR. PHILLIPS, Code of Penal Discipline Hearing Officer of KCCC,
MS. BLAKE, Grievance Officer at KCCC,
MR. OSBORN, Property Officer at KCCC, and
OTHER DOC, PAROLE BOARD, AND COMCOR PARTIES WHO ARE CURRENTLY UNKNOWN,

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 and a Prisoner Complaint. 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 form: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915; 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 16th day of January, 2009.

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.

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Neal Allen Morris
Reg No. 130198
Kit Carson Corr. Center
PO Box 2000
Burlington, CO 80807

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and the Prisoner Complaint forms** to the above-named individuals on 1/21/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk