

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 9 9 2009

Civil Action No. 09 - CV - 00119 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.)

GREGORY C. LANGHAM
CLERK

DAVID SUTHERLAND - INMATE NUMBER - 45323,

Plaintiff,

v.

MIKE HILER - Parole I.S.P. Officer - in his official and individual capacity, C.D.O.C. Community Corrections/Interstate Compact HQ., 122 Cedar Drive, Lakewood, CO 80205,
JEANNEEN MILLER - Director - Adult Parole & Community Corr. - In her official and individual Capacity, C.D.O.C. Community Corrections/Interstate Compact HQ. 122 Cedar Drive, Lakewood, Colorado 80205,
ARISTEDES ZAVARUS [sic] - Director - Colo. Dept. of Corrections - in his official and individual capacity, 2862 South Circle Drive, Colorado Springs, Colorado 80906,
REX KOHL - Offender Services - C.D.O.C. - in his official and individual capacity, 2862 South Circle Drive, Colorado Springs, Colorado 80906,
JOHN SUTHERS - Colorado Attorney General - in his official and individual capacity, 1525 Sherman Street - Fifth Floor, Denver, Colorado 80203,
JAY KIRBY - Colorado Dept. of Corr., - I.G. Office - Gang Division - in his official and individual capacity, 2862 South Circle Drive, Colorado Springs, Colorado 80906,
COLO. PAROLE COMM DEFENDANTS GROUPED AS FOLLOWS: (Same Address) - in their official and individual capacity, David Michaud, Rebecca Oakes, Curtis Devin, Maximino Atencio, Jr., Deborah Allen, Leslie V. Waggoner, Celeste M. Debacca, 1600 West 24th - Building 54, Pueblo, Colorado 81003,
CONNIE VAUGHAN - Parole Officer - in her official and individual capacity, 8800 Sheridan Blvd., Westminster, Colorado 80203,
MR. DICK, - Case Manager - Sterling Correctional, Post Office Box 6000, Sterling, Colorado, 80751,
MR. NICHOLS - Case Manager - Sterling Correctional, Post Office Box 6000, Sterling, Colorado, 80751,
MR. HAMMEL, Investigator - Cheyenne Mountain Re-Entry Center, 2925 East Las Vegas Avenue, Colorado Springs, Colorado, 80906, and
DIANA LAWSON - Colorado C.U.R.E. Co-Director, 3470 South Poplar #406, Denver, Colorado, 80224,

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, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and Motion to Proceed Informa Pauperis, 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(s): 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 20th day of January, 2009.

BY THE COURT:

Boyd W Boland
BOYD W. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

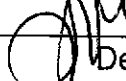
CERTIFICATE OF MAILING

Civil Action No. '09 - CV - 00119

Donald Sutherland
Prisoner No. 45323
CMRC
2925 E. Las Vegas Avenue
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner Complaint form** to the above-named individuals on 1/22/09

GREGORY C. LANGHAM, CLERK

By:  Deputy Clerk