

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

JAN 26 2009

GREGORY C. LANGHAM
 CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

'09 - CV - 00141 BNB

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.)

RICHARD L. THEISEN, and
 TIFFANY D. (DEAL) THEISEN,

Plaintiffs,

v.

EL PASO COUNTY COURTS,
 EVELYN SULLIVAN, individually and in her official capacity,
 THOMAS KANE, individually and in his official capacity,
 DENISE PEACOCK, individually and in her official capacity,
 KRYSTAL HULICK, individually and in her official capacity,
 KIDS RESOURCE NETWORK,
 CHRISTINE BURCHAM, individually and in her official capacity,
 STEPHANIE REED, individually and in her official capacity,
 EL PASO COUNTY DEPARTMENT OF HUMAN SERVICES,
 DARNELL SELTZER, individually and in her official capacity,
 ADAMS COUNTY DEPARTMENT OF HUMAN SERVICES, and
 SUSAN HANSON, individually and in her official capacity,

Defendants.

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

Plaintiffs have submitted a Complaint. Plaintiffs have failed either to pay the filing fee or to file on the proper forms individual motions seeking leave to proceed without payment of the filing fee pursuant to 28 U.S.C. § 1915. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the Complaint is 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 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 (Plaintiffs must submit individual motions)
- (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: individual motions are not necessary if the filing fee is paid.

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 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 Plaintiffs, together with a

copy of this order, two copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Complaint. It is

FURTHER ORDERED that, if Plaintiffs fail 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 22^d 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

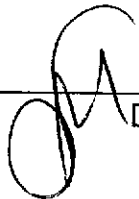
Civil Action No. **09 - CV - 00141**

Richard Theisen
4534 Adieu Circle
Colorado Springs, CO 80917

Tiffany Theisen
4534 Adieu Circle
Colorado Springs, CO 80917

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915 and the Complaint forms** the above-named individuals on 4/26/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk