

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 10 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. '09 - CV - 00275 *Bn13*
(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.)

MARY L. MONTALVO,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendant.

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

Plaintiff has submitted a Motion to Proceed In Forma Pauperis, a Proposed Order for Summary Judgment, and a Verified Complaint. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, 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 she wishes to pursue her claims. Any papers which the Plaintiff files in response to this order must include the civil action number on this order.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) is not submitted
- (2) is not on proper form (must use the court's current form)
- (3) is missing original signature by Plaintiff
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or is not properly notarized

- (7) ___ names in caption do not match names in caption of complaint, petition or application
- (8) ___ An original and a copy have not been received by the court. Only an original has been received.
- (9) ___ other _____

Complaint or Petition:

- (10) ___ is not submitted
- (11) X is not on proper form (must use the court's current form)
- (12) ___ is missing an original signature by the Plaintiff
- (13) ___ is incomplete
- (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, copies of the following form(s): Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; 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 6th day of February, 2009.

BY THE COURT:

Boyd N. Boland
BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

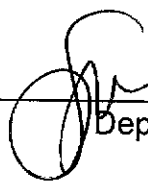
CERTIFICATE OF MAILING

Civil Action No. '09 - CV - 00275

Mary L. Montalvo
3765 Oro Blanco Drive Apt. 411
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 Complaint forms** to the above-named individuals on 2/10/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk