

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 9 4 2009

Civil Action No. **'09 - CV - 00381**

(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

CHARLES ROBERT SHEPARD,

Plaintiff,

v.

BILL RITTER, JR., d/b/a Governor of the State of Colorado,
ARISTEDES W. ZAVARAS, d/b/a Executive Director, Colo. Dept. of Corr.,
CHERYL SMITH, d/b/a Director of Medical Services,
HEATHER PURDUE, d/b/a Director of Human Service,
ANTHONY A. DeCESARO, d/b/a Grievance Officer, CDOC, and
ANY AND ALL PARTIES (JANE AND JOHN DOE) DETERMINED TO BE
COMPLICITOUS [sic], et al.,

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
- (8) ___ An original and a copy have not been received by the court.
- (9) X other: Certified trust fund account statement is too old.

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.
- (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, 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 February, 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 - 00381

Charles Robert Shepard
Prisoner No. 99669
Fort Lyon Corr. Facility
PO Box 1000
Fort Lyon, CO 81038

I hereby certify that I have mailed a copy of the ORDER to the above-named individuals on 2/24/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk