

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 17 2009

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

'09 - CV - 00885 *BhB*

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.)

LINSEY PERRY,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

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

A prisoner who is incarcerated at a state prison facility in the State of Michigan has submitted a Letter to the Court on behalf of Plaintiff, Linsey Perry. Ms. Perry is in the custody of the Colorado Department of Corrections and is incarcerated at the Denver Reception and Diagnostic Center. As part of the Court's review pursuant to D.C.COLO.LCivR 8.2, the Court has determined that the submitted document is deficient as described in this Order. Ms. Perry has failed to file a Prisoner Complaint and has failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Notwithstanding the deficiencies, the Clerk of the Court will be directed to commence a civil action. Ms. Perry will be directed to cure the following if she wishes to pursue her claims. Any

papers that Ms. Perry 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: motion is necessary only if filing fee is not paid in advance.

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 Ms. Perry cure the deficiencies designated above **within thirty days from the date of this Order.** Any papers that Ms. Perry 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 Ms. Perry, together with a copy of this Order, two copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915; Prisoner Complaint. It is

FURTHER ORDERED that, if Ms. Perry fails to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice.

DATED at Denver, Colorado, this 15th day of April, 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

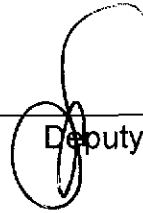
Civil Action No. **'09 - CV - 00885**

Linsey Perry
Prisoner No. 130514
Denver Women's Corr. Facility
PO Box 392005
Denver, CO 80239

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 Prisoner Complaint forms** to the above-named individuals on 4/17/09

GREGORY C. LANGHAM, CLERK

By: _____


Deputy Clerk