

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

'09 - CV - 01051 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.)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 6 - 2009

GREGORY C. LANGHAM
CLERK

JOHN NASIOUS,

Plaintiff,

v.

NURSE NANCY MUELLER, R.N. D.R.D.C.,
DR. BARRY GOLDSMITH, Physician Health Partners,
PAULA FRANTZ, M.D. 7 P.H.P.,
STEPHEN KREIBS, M.D. Physician Health Partners,
JOSEPH G. FORTUNATO, D.O.,
JO ANN STOCK, PA,
TEJENDER SINGH, PA,
JOHN SUTHERS, Attorney General State of Colorado,
BRIAN A. WEBSTER, P.A.,
LT. JASON ZWIRN,
JOSEPH J. WERMERS, M.D.,
LT. SHANE McMAHIL,
CO JOHNSON,
NURSE NANCY WHITE,
CO ST. MARTIN,
CO KENNETH LE FEVER,
LT. MARK BOLT,
CAPTAIN WEINGARDT,
MAJOR JOHNSON,
CATHIE HOLST, Manager of Correctional Legal Service AIC/ADA Inmate Coordinator,
ADRIENNE JACOBSON, Legal Assistant, Office of Correctional Legal Services
AIC/ADA Inmate Coordinator,
JOHN AND JANE DOE 1-10,
all named defendants in their individual and official capacities, and
all unknown defendants not known by name to be named at a later date,

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. 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. 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 certificate showing current balance in prison account
- (5) is missing required financial information
- (6) is missing an original signature by the prisoner
- (7) is not on proper form (must use the court's current form)
- (8) names in caption do not match names in caption of complaint, petition or habeas application
- (9) An original and a copy have not been received by the court. Only an original has been received.
- (10) other:_____.

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form (must use the court's current form)
- (13) is missing an original signature by the prisoner
- (14) is missing page nos. ____
- (15) uses et al. instead of listing all parties in caption
- (16) An original and a copy have not been received by the court. Only an original has been received.
- (17) Sufficient copies to serve each defendant/respondent have not been received by the court.

- (18) ___ names in caption do not match names in text
(19) ___ 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 action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 4th day of May, 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 - 01051

John Nasious

Prisoner No. 98775

Sterling Correctional Facility

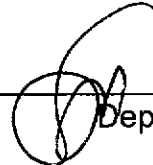
PO Box 6000

Sterling, CO 80751

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 5/6/09

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk