UNITED STATES DISTRICT COURT DENVER, COLORADO

JUL 3 0 2009

GREGORY C. LANGHAM

## in the united states district court for the district of colorado 090001800 \_

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.)

DAVID DONIS SR.,

Plaintiff,

٧.

EL PASO COUNTY COMMISSIONER'S JOHN DOES 1-20, El Paso County Commissioner's Office[], TERRY MAKETA, Sheriff, El Paso County Sheriff's Department, and OFFICER MOWER, Deputy Sheriff, El Paso County Sheriff's Department,

Defendants.

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

Plaintiff has submitted a "Motion to: File Without Payment of Filing Fee [and/or] Appoint and Pay Interpreter Costs and Supporting Financial Affidavit," a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and 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 that 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)	X	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:
Com	plaint,	Petition or Application:
<b>Com</b> <sub>1</sub> (11)	plaint, —	Petition or Application: is not submitted
(11)	_	
(11) (12)		is not submitted
(11) (12) (13)	_	is not submitted is not on proper form (must use the court's current form)
(11) (12) (13) (14)		is not submitted is not on proper form (must use the court's current form) is missing an original signature by the prisoner
(11) (12) (13) (14) (15)		is not submitted is not on proper form (must use the court's current form) is missing an original signature by the prisoner is missing page nos uses et al. instead of listing all parties in caption
(11) (12) (13) (14)		is not submitted is not on proper form (must use the court's current form) is missing an original signature by the prisoner is missing page nos
(11) (12) (13) (14) (15) (16)		is not submitted is not on proper form (must use the court's current form) is missing an original signature by the prisoner is missing page nos uses et al. instead of listing all parties in caption An original and a copy have not been received by the court. Only an
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(11) (12) (13) (14) (15) (16) (17)		is not submitted is not on proper form (must use the court's current form) is missing an original signature by the prisoner is missing page nos uses et al. instead of listing all parties in caption An original and a copy have not been received by the court. Only an original has been received. Sufficient copies to serve each defendant/respondent have not been received by the court.

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 that 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 30 day of 4, 2009.

BY THE COURT:

Byll Balane BOYD N. BOLAND

United States Magistrate Judge

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

## **CERTIFICATE OF MAILING**

Civil Action No.

090001800

David Donis, Sr. Prisoner No. 84275 Sterling Correctional Facility PO Box 6000 Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/3/09

GREGORY C. LANGHAM, CLERK

Deputy Clerk