IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 4 - 2009

Civil Action No. **09CV01843** *BnB* GREGORY C. LANGHAM
CLERK
(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.)

MARIO ORTEGA,

      Plaintiff,

v.

JOHN DOE SHERIFF OF PUEBLO COUNTY,
JANE AND JOHN DOE, Pueblo County Commissioners,
PUEBLO SHERIFF'S DEPUTY HUDRAN, and
FOUR (4) JOHN DOE SHERIFF DEPUTIES,

      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 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)   <u>X</u>   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)   <u>X</u>   other: <u>"Section A. Parties" of the Prisoner Complaint is incomplete. Addresses are not provided for all defendants and plaintiff.</u>

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 the clerk of the court mail to the Plaintiff, together

with a copy of this order, two copies of the following form: Prisoner's Motion and

Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 . 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 3ᵈ day of _August_ , 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. **09CV01843**

Mario Ortega
Weld County Jail
2110 "O" Street
Greeley, CO 80631

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** to the above-named individuals on___ 8/4/09

GREGORY C. LANGHAM, CLERK

By:_____
Deputy Clerk