

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

AUG 7 - 2009

GREGORY C. LANGHAM
 CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

Civil Action No. 09CV01871 *Bnb*
 (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.)

DANA COOPER 135056,

Plaintiff,

v.

LT HEIDENTHAL - c/o D. Johnson et al.,
 SGT WEST, and
 WARDEN JONES,

Defendants.

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

Plaintiff has submitted an "Affidavit of Indigency," and a "Rule 27 Motion /
 Depositions to Perpetuate Testimony / rule 27(A)(1)." He 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. 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) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (account statement submitted is not certified and does not cover the required 6-month period)
- (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: Motion is necessary only if filing fee is not paid in advance.

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 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 forms: Prisoner's Motion and

Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and 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 6th 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. **09CV01871**

Dana Cooper
Prisoner No. 135056
Colorado State Penitentiary
P.O. Box 777 - Unit A1-18
Cañon City, CO 81215-0777

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 8/7/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk