

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

AUG 31 2009

Civil Action No. 09CV02073 *BhB*

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.)

PEOPLE (OF): CITY OF OMAHA, COUNTY OF DOUGLAS,

Plaintiff,

v.

ARTHUR (JAMES) GRIFFIN, JR.,

Defendant.

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ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION AND  
DIRECTING DEFENDANT TO CURE DEFICIENCIES

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Defendant Arthur James Griffin, Jr., has submitted to the court a document that he describes as a "Notice (of) Intent – Pretrail [sic] – Release." According to the return address on the envelope in which the document was received, Mr. Griffin appears to be an inmate at a detention facility in Omaha, Nebraska. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the document is deficient as described in this order. In particular, it is not clear what relief Mr. Griffin seeks or why he has initiated this action in this court. Notwithstanding these deficiencies, the clerk of the court will be directed to commence a new civil action. Mr. Griffin will be directed to cure the following if he wishes to pursue his claims in this action. Any papers that Mr. Griffin 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
- (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 \$350.00 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 Mr. Griffin cure the deficiencies designated above  
**within thirty (30) days from the date of this order.** Any papers that Mr. Griffin 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 Mr. Griffin, 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 Mr. Griffin 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 28<sup>th</sup> 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.

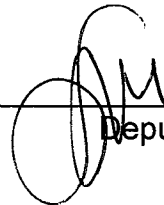
09CV02073

Arthur James Griffin, Jr.  
Prisoner No. 1551891  
Douglas County  
Department of Corrections  
710 South 17<sup>th</sup> Street  
Omaha, NE 68102

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 8/31/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk