

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADOIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

SEP 15 2009

Civil Action No. 09CV02199 *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.)

MICHAEL CORBELLO, and
ALBERT REYNOLDS,

Plaintiffs,

v.

BUREAU OF PRISONS, North Central Region,
WARDEN REVILLE,
CAPT. HARMON,
SIA VANIC,
LT. HENDERSON,
M. BARKER, Unit Manager,
MS. WILNER, Unit Manager, and
COUNSELOR SAMS,

Defendants.

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

Plaintiffs have submitted a pleading titled "Civil Complaint Under 28 USC Biven's v. Six Unknown Federal Agents." Plaintiff Albert Reynolds also has submitted a motion to proceed *in forma pauperis* titled "Request to Proceed Without Prepayment of Filing Fee, Declaration in Support." Each Plaintiff has submitted an uncertified copy of his inmate trust fund account statement in support of the motion to proceed *in forma pauperis*. 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. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers that Plaintiffs file 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 (Plaintiff Michael Corbello did not submit an individual motion)
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing (the account statements submitted are not certified by a prison official)
- (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: _____.

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 (both Plaintiffs must sign the complaint)
- (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 Plaintiffs cure the deficiencies designated above

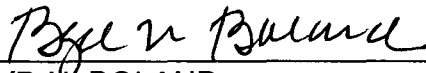
within thirty (30) days from the date of this order. Any papers that Plaintiffs file in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the clerk of the court mail to each named 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; Prisoner Complaint. It is

FURTHER ORDERED that any named Plaintiff who fails to cure the designated deficiencies **within thirty (30) days from the date of this order** will be dismissed as a party to this action without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 14th day of September, 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. **09CV02199**

Michael Corbello
Reg No. 12702-078
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226

Albert Reynolds
Reg No. 31647-074
US Penitentiary Florence
P.O. Box 7000
Florence, CO 81226

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 9-15-09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk