

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 30 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. 09CV02345 Bn13
(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.)

KENNAN W. COLE,

Plaintiff,

v.

[NO NAMED DEFENDANT],

Defendant.

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

Plaintiff has submitted a signed letter intended as a complaint and a compact disc (CD) titled "Sep 21 2009" which contains 13 printable documents titled: "ada suit 2.doc; ADA Suit Against the City of Colorado Springs.doc; cover sheet for lawsuit against city.pdf; not.doc; sum_summons form3.rtf; summons form1.rtf; summons form2.rtf; summons form4.rtf; summons form5.rtf; summons form.rtf; waiver form2.doc; waiver of summons1.doc; and waiver of summons4.doc."

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 which 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
- (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) other: Compact disc (CD) filings will no longer be accepted by the court in this action. Electronic filings will only be accepted in accordance with Local Rules of Practice, D.C.COLO.LCivR 5.6.

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 which 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 return to Plaintiff the compact


disc (CD), titled "Sep 21 2009," which was filed by Plaintiff on September 21,2009. 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: 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 complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 29th 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

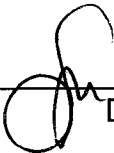
CERTIFICATE OF MAILING

Civil Action No. ' 09CV02345

Kennan W. Cole
1510 Yuma Street Apt. 101
Colorado Springs, CO 80909

I hereby certify that I have mailed a copy of the **ORDER, two copies of the Complaint, and the Compact Disc (CD)** to the above-named individuals on 9/30/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk