

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

09CV02378

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT 6 - 2009

GREGORY C. LANGHAM  
CLERK

Civil Action No. \_\_\_\_\_

*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.)

DAMIAN DELANO GERMANY,

Plaintiff, named as Debtor/Plaintiff,

v.

STATE OF COLORADO, INC., and  
JOHN WILLIAM SUTHERS, et al.,

Defendants, named as Agent/Defendants.

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

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Plaintiff, Damian Delano Germany, has submitted a letter to the Clerk of the Court, a "Complaint for Damages and Other Relief," a "Memorandum of Law," an "Affidavit of Damian-Delano: Germany by Special Visitation," an "Affidavit in Support of Complaint for Damages and Other Relief," a "Notice and Affidavit for Leave to Proceed as a Seaman Pursuant to 28 U.S.C. § 1916," and a "Certificate of Service." As part of the court's review pursuant to D.C.COLO.LCivR 8.1, 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.

**Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1)  is not submitted
- (2)  is not on proper form (must use the court's current form)
- (3)  is missing original signature by plaintiff/petitioner/applicant
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit is not notarized or is not properly notarized
- (7)  names in caption do not match names in caption of complaint, petition or application
- (8)  An original and a copy have not been received by the court.  
Only an original has been received.
- (9)  other \_\_\_\_\_

**Complaint or Petition:**

- (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 plaintiff/petitioner/applicant
- (13)  is incomplete
- (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 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

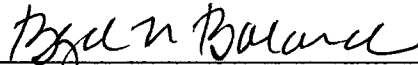
FURTHER ORDERED that the clerk of the court mail to the plaintiff, together with a copy of this order, copies of the following forms: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Prisoner Complaint. It is

FURTHER ORDERED that, if 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 2<sup>d</sup> day of October, 2009.

BY THE COURT:



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BOYD N. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO


CERTIFICATE OF MAILING

Civil Action No. **09CV02378**

Damian Delano Germany  
Prisoner No. 101917  
Bent County Correctional Facility  
11560 Road FF.75  
Las Animas, CO 81054-9573

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 10/6/09

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk