

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

OCT 16 2009

GREGORY C. LANGHAM
 CLERK

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO**

Civil Action No. 09CV02455 *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.)

ALBERT LEE PACHECO (80313),

Plaintiff,

v.

ERICA A. OLIVAS,
 RICHARD ROMERO (P.P.D.),
 WALTER S. POPE (P.P.D.),
 ALLISION P. ERNST (CO. S.P.D.),
 DOUGLAS WILSON (CO. S.P.D.),
 CYNTHIA C. ALIRES,
 DENNIS MAES, District Court,
 KAY HOWARD, District Attorney,
 KRISTA GILL (CO. S.P.D.),
 SCOTT BRAUN (P.P.D.)
 PUEBLO COUNTY SHERIFFS DEPT.,
 PAT MAJOR,
 ANDRES PACHECO,
 ERICA QUINTANA,
 RAY CHAVEZ,
 APRIL MONTOYA,
 NICK ORTIZ,
 VICTOR REYES, District Court, and
 ELY TRUJILLO,

Defendants.

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

Plaintiff has submitted a "(Pro Se) Motion to Proceed in Forma Pauperis," a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and

a Prisoner Complaint. 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 (**account statement submitted is not certified**)
- (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 ("Section A. Parties")
- (19) other: Addresses are not provided for all defendants.

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is

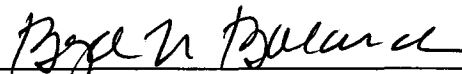
FURTHER ORDERED that the Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the Plaintiff files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the clerk of the court mail to the Plaintiff, together with a copy of this order, two copies of the following form: 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 19th day of October, 2009.

BY THE COURT:



BOYD N. BOLAND

United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

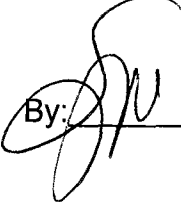
CERTIFICATE OF MAILING

Civil Action No. **09CV02455**

Albert Lee Pacheco
Prisoner No. 80313
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Prisoner Complaint** to the above-named individuals on 16/16/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk