

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

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

OCT 26 2009

' **09CV02518**

*Bnb*

GREGORY C. LAM  
CLERK

Civil Action No. \_\_\_\_\_  
(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.)

DR. KAMAL K. K. ROY,

Plaintiff,

v.

[NO DEFENDANT NAMED],

Defendant.

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

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Plaintiff has submitted a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, although the documents are unintelligible. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the 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 in this action. Any papers that Plaintiff files in response to this order must include the civil action number on this order.

**Motion 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 on motion
- (4) \_\_\_ is missing affidavit
- (5) \_\_\_ affidavit is incomplete

- (6) \_\_\_ is missing original signature by plaintiff/petitioner/applicant on affidavit
- (7) \_\_\_ affidavit is not notarized or is not properly notarized
- (8) \_\_\_ names in caption do not match names in caption of complaint, petition or application
- (9) \_\_\_ An original and a copy have not been received by the court.  
Only an original has been received.
- (10) xx other: motion must be legible and intelligible.

**Complaint or Petition:**

- (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 plaintiff/petitioner/applicant
- (14) \_\_\_ is incomplete
- (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) xx other: complaint must be legible and intelligible.

Accordingly, it is

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

FURTHER ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers that 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 Plaintiff, together with a copy of this order, two copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915; Complaint. It is

FURTHER ORDERED that, if Plaintiff 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 23<sup>d</sup> day of October, 2009.

BY THE COURT:

  
\_\_\_\_\_  
BOYD M. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. **09CV02518**

Kamal Roy  
PO Box 1173  
Saranac Lake, NY 12983

I hereby certify that I have mailed a copy of the **ORDER and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Complaint forms** to the above-named individuals on 10/26/09

GREGORY C. LANGHAM, CLERK

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



Deputy Clerk