

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

09CV02556

OCT 30 2009

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.)

GREGORY C. LANGHAM
CLERK

STEVEN MICHAEL TULLER,
ERAL KENT, and
ALL INMATES AT SAN CARLOS CORRECTIONAL FACILITY,

Plaintiffs,

v.

ARISTEDES ZAVARAS,
LARRY RIED,
MAJOR GRAHAM,
CAPTAIN PRUITT,
CAPTAIN GOLDEN,
LT. GANT,
SARGENT [sic] McCARTY,
JANNICE SHOEMAKER,
TIRRI GREEN,
JANICE AND JACKIE,
VALARDEY HEARINGS OFFICER,
JEFFERY MINCH,
PRESIDENT [sic] OBAMA,
THE UNITED STATES SENATE,
SARGENT [sic] GALLAGOS,
PRESIDENT [sic] RAGAN [sic],
OFFICER JOHN DOE #1,
OFFICER JOHN DOE #2,
JANE DOE #3, and
OFFICER BALDWIN,

Defendants.

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

Plaintiffs have submitted a Prisoner Complaint that only Plaintiff Tuller has signed. They have failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the submitted document is 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 which the 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 **by each Plaintiff**
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing **for each Plaintiff**
- (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: Motion is necessary by each Plaintiff only if filing fee is not paid in advance.

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 **(only one Plaintiff signed the Prisoner Complaint)**
- (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) X names in caption do not match names in text (Section "A. PARTIES" lists the name and address for only Plaintiff Steven Michael Tuller.)
- (19) other _____

Accordingly, it is

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

FURTHER ORDERED that the Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the 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 Plaintiff Steven Michael Tuller, the only Plaintiff identified with both a name and an address, 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 and Prisoner Complaint. It is

FURTHER ORDERED that if either Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order,** that Plaintiff will be dismissed as a party to this action. It is

FURTHER ORDERED that if both Plaintiffs fail 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 28th 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

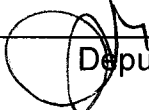
CERTIFICATE OF MAILING

Civil Action No. **1 09CV02556**

Steven Michael Tuller
Prisoner No. 76479
San Carlos Corr. Facility
PO Box 3
Pueblo, CO 81003

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 10/30/09

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk