

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

09CV02579

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 3 - 2009

Civil Action No. _____

BNB GREGORY C. LANGHAM
CLERK

(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.)

LEONARD KROLL,

Plaintiff,

v.

SUSAN KROLL,

Defendant.

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

Plaintiff has submitted a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Notice of Removal. However, despite the fact that he has filed a document titled "Notice of Removal," it is not clear what, if any, action Plaintiff is removing to this court or why. It is clear, though, that Plaintiff is seeking some sort of relief from this court. Therefore, the clerk of the court will be directed to commence a civil action. If Plaintiff actually does intend to remove an action to this court, he is directed to file a separate notice of removal that complies with the procedures for removal in 28 U.S.C. § 1446.

As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the documents Plaintiff has submitted to the court are deficient as described in this order. 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) ___ other _____

Complaint or Petition:

- (11) ___ is not submitted
- (12) xx 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) ___ other _____

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: 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 30th 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. **09CV02579**

Leonard Kroll
10501 Lynx Ct.
Littleton, CO 80124

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint** to the above-named individuals on 11/3/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk