

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 13 2009

GREGORY C. LANGHAM
CLERK

09CV02663

BnB

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.)

DEAN CARBAJAL,

Plaintiff,

v.

CITY AND COUNTY OF DENVER (BOARD OF COUNTY COMMISSIONERS),
BILL RITTER,
7TH JUDICIAL [sic] DISTRICT,
EDWARD D. CLAYTON,
CITY AND COUNTY OF DELTA (BOARD OF COUNTY COMMISSIONERS),
DELTA SHERIFF DEPARTMENT,
DEPUTY HATCH,
B. WOLFE,
B. SHROEDER,
CPT. BILL RAILEY,
SGT. CHRIS WELDON,
DELTA COUNTY PROBATION,
JOE QUINTANA,
CARROL WARNER,
DAVID ROMERO,
GUNNISON COUNTY (BOARD OF COUNTY COMMISSIONERS),
STEVEN PATRICK,
CHARLES GREENACRE,
SANDRA K. MILLER,
MYRL SERRA,
SHERRI PRICE,
MONTROSE COUNTY (BOARD OF COUTNY [sic] COMMISSIONERS),
JAMES SCHUM,
MANDY ALLEN,
DELTA POLICE DEPARTMENT,
TWO UNKNOW [sic] DELTA POLICE OFFICERS,
DANIEL ROSENBERG,
MITCHELL R. MORRISSEY,
DENVER POLICE DEPARTMENT,

TEN UNKOWN [sic] DENVER POLICE OFFICERS,
GILBERTO LUCIO,
RICHARD T. BOEHNLEIN,
RANJAN R. FORD,
ROBERT A. SALAZAR,
CITY OF ARVADA,
JANE TIDBALL,
SCOTT STOREY,
BRIAN DOMINGUEZ,
THEA REIFF,
SARA GARRIDO,
JEFFERSON COUNTY (BOARD OF COUNTY COMMISSIONERS),
TWO UNKNOWN ARVADA POLICE OFFICERS,
ARVADA POLICE DEPARTMENT,
JOURDAN LOPEZ-BASGALL,
A. J. DEADREA,
PATRICK MEESTER,
BETH VALERIO,
ADAMS COUNTY PROBATION,
THOMAS FARREL,
LEONARD MARTINEZ,
JEFF HERRON,
TWO UNKNOW [sic] OFFICALS [sic] FOR THE DEPARTMENT OF CORRECTIONS,
EDDIE GRININGER, and
UNKOWN [sic] WESTMINSTER POLICE OFFICER,

Defendants.

**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 "Complaint and Jury Demand." 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. 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. The Court also instructs Plaintiff that his Complaint does not comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The twin purposes of a complaint are to give the opposing parties fair notice of the basis for the claims against them so that they may respond and to allow the court to conclude that the allegations, if proven, show that Plaintiff is entitled to relief. **See *Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas***, 891 F.2d 1473, 1480 (10th Cir. 1989). The requirements of Fed. R. Civ. P. 8 are designed to meet these purposes. **See *TV Communications Network, Inc. v. ESPN, Inc.***, 767 F. Supp. 1062, 1069 (D. Colo. 1991), ***aff'd***, 964 F.2d 1022 (10th Cir. 1992). Specifically, Rule 8(a) provides that a complaint “must contain (1) a short and plain statement of the grounds for the court’s jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought” The philosophy of Rule 8(a) is reinforced by Rule 8(d)(1), which provides that [e]ach allegation must be simple, concise, and direct.” Taken together, Rules 8(a) and (d)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules.

Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which 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
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or properly sworn to under 28 U.S.C. § 1746
- (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 Plaintiff
- (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 ("Section A. Parties")
- (18) other Complaint must comply with Fed. R. Civ. P. 8

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 which 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, copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and 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 complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this 13th day of November, 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.

09CV02663

Dean Carbajal
P.O. Box 46075
Denver, CO 80205

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Complaint forms** to the above-named individuals on 11/13/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk