

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 29 2009

GREGORY C. LANGHAM
CLERK

Civil Action No. 09CV03014 *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.)

MICHAEL REA, and
CHARLES MEDICINE BLANKET,

Plaintiffs,

v.

COLORADO DEPARTMENT OF CORRECTIONS, et al.,

Defendant.

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

Plaintiffs have submitted a "Motion for Temporary Re[s]training Order and Injunction Pursuant to F.R.C.P. 65," a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 from each Plaintiff, 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. Plaintiffs will be directed to cure the following if they wishes 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
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (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: Each account statement submitted must be certified (on the account statement) by an appropriate official of Plaintiff's penal institution.

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
- (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 the Plaintiffs, together

with a copy of this order, two copies of the following form: Prisoner Complaint. It is

FURTHER ORDERED that, if the 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 29th day of December, 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. **09CV03014**

Michael D. Rea
Prisoner No. 118902
Kit Carson Corr. Center
PO Box 2000 – CA 104b
Burlington, CO 80807

Charles Medicine Blanket
Prisoner No. 98841
Kit Carson Corr. Center
PO Box 2000 - CA 104t
Burlington, CO 80807

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 12/24/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk