

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 7 - 2010

Civil Action No. 10CV00026 *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

RICARDO V. JOHNSON,

Plaintiff, named as Defendant,

v.

PEOPLE OF COLORADO,

Defendant, named as Plaintiff.

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

Plaintiff has submitted a "Motion to File Without Payment of Filing Fee." He has failed to indicate if his civil action relates to a habeas corpus action or a prisoner complaint pursuant to §1983. 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. Plaintiff will be directed to cure the following if he wishes to pursue his claims. Any papers which the Plaintiff files 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 (account statement submitted is

- not certified)
- (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) X 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) X other: Motion is necessary only if filing fee is not paid in advance.

Complaint, Petition or Application:

- (11) X 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 Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the 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 the Plaintiff, 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; and Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action, Application for a Writ of Habeas Corpus Pursuant to

28 U.S.C. § 2241, and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. Mr. Johnson needs to select and file with the court the **one** form which applies to the civil action he wishes to file, along with the **one** applicable §1915 Motion and Affidavit form (habeas corpus or non-habeas corpus). It is

FURTHER ORDERED that, if the 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 5th day of January, 2010.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

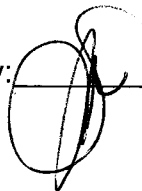
CERTIFICATE OF MAILING

Civil Action No. **10CV00026**

Ricardo V. Johnson
Prisoner No. 144329
Colorado State Penitentiary
P.O. Box 777 - Unit F6-13
Cañon City, CO 81215-0777

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, Prisoner Complaint, Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Corpus Action, Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 forms** to the above-named individuals on 1/7/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk