

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

'10 - CV - 00332 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.)**

JOSE JUAN FRANCISCO,  
VINCIO GONZALEZ,  
JOSE JUAREZ RAMIREZ, and  
PEDRO GREGORIO RAFAEL,

Plaintiffs,

v.

ALEJO SUSANO, individually and in his official capacity,  
ALFONSO SUSANO, a.k.a. ALONSO SUSANO, individually and in his official capacity,  
ALEJO CONSTRUCTION,  
LUND-ROSS CONSTRUCTORS, INC., a Nebraska Corporation, and  
BASSWOOD CONSTRUCTORS GROUP, LLC, a Nebraska Limited Liability Company,

Defendants.

---

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

---

Plaintiffs, through counsel, have submitted a letter to the court, a Civil Cover Sheet, Summonses, four (4) Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 forms (one from each Plaintiff), and a Complaint. 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. Plaintiffs will be

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 17 2010

GREGORY C. LANGHAM  
CLERK

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.

**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)  are missing original signatures by Plaintiffs
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavits are not notarized or are not properly notarized
- (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 the Plaintiffs
- (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
- (18)  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, copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 16<sup>th</sup> day of February, 2010.

BY THE COURT:

  
\_\_\_\_\_  
BOYD N. BOLAND  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

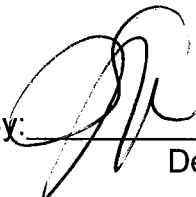
CERTIFICATE OF MAILING

Civil Action No. '10 - CV - 00332

Patricia Medige  
Colorado Legal Services  
1905 Sherman Street, ste. 400  
Denver, CO 80203-1811  
**DELIVERED ELECTRONICALLY**

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** for each **plaintiff** to the above-named individuals on 2/17/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk