

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

FEB 19 2010

GREGORY C. LANGHAM  
 CLERK

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLORADO

'70 - CV - 00357 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.)

MARCO A. ROCHA,

Plaintiff,

v.

CDOC DIRECTOR A. ZAVARAS,  
 FMCC WARDEN RON LEYBA,  
 FMCC CPT. D. KIEFER,  
 FMCC SGT. McKIBBIN,  
 FMCC CASE MANAGER S. TWILLEGER,  
 FMCC C/O MARIA RAEI,  
 FMCC SGT. D. ROSS,  
 CSP CPT. VANDETTI,  
 CDOC GRIEVANCE OFFICER A. DeCESARO, and  
 OTHER UNNAMED DEFENDANTS,  
 (under official and individual capacities),

Defendants.

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

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Plaintiff has submitted a "Notice of Intent Pursuant to 24-10-109, CRS," and a "Motion for Court Order." He has failed either to pay the \$350.00 filing fee or to file a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.

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. 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
- (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: Motion is necessary only if filing fee is not paid in advance.

**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 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. 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. It is

FURTHER ORDERED that Plaintiff's Motion for Court Order, received on February 10, 2010, is denied.

DATED at Denver, Colorado, this 18<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 - 00357

Marco A. Rocha  
Prisoner No. 67027  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

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 and Prisoner Complaint forms** to the above-named individuals on 2/19/10

GREGORY C. LANGHAM, CLERK

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