IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

F I L E D
UNITED S   ES DISTRICT COURT
D   OLORADO

FEB 1 9 2010

GREG   Y C. LANGHAM
CLERK

Civil Action No. **'10 – CV – 0 0 3 6 1** _βηβ_

**(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.)**

DANA COOPER,

      Plaintiff,

v.

C/O REBETERANO,
C/O ELIZARDO,
C/O ROMERO, and
CAPT. DALTON,

      Defendants.

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

Plaintiff has submitted a "Motion to Proceed Without Account Statement 'or'

Court Order for CSP to Provide," and 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 that Plaintiff files in response to

this order must include the civil action number on this order.

Plaintiff further is instructed to include a certified copy of his trust fund account statement. To the extent Plaintiff asserts that he is not able to obtain a certified copy of his account statement, he must submit to the Court a verified statement from his case manager indicating the he refuses to provide to Plaintiff a certified copy of his account statement.

28 U.S.C. § 1915 Motion and Affidavit:

(1)	__	is not submitted
(2)	__	is missing affidavit
(3)	X	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:_____.

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)	X	other: <u>Plaintiff refers to an attached "1983 Complaint," however, no complaint was submitted.</u>

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, two copies of the following forms: Prisoner 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 action will be dismissed without

further notice. The dismissal shall be without prejudice.

DATED at Denver, Colorado, this _18th_ day of _February_____, 2010.

BY THE COURT:

_____
BOYD N. BOLAND
United States Magistrate Judge

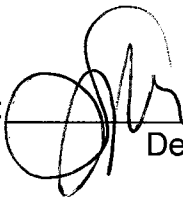IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. '10 − CV − 0 0 3 6 1

Dana Cooper
Prisoner No. 135056
Colorado State Penitentiary
P.O. Box 777
Cañon City, CO 81215-0777

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 2/19/10

GREGORY C. LANGHAM, CLERK

By: _____
Deputy Clerk