

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

FEB 25 2010

GREGORY C. LANGHAM
 CLERK

Civil Action No. '10 - CV - 00427 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.)

JOHN MOORE,

Plaintiff,

v.

CEDAREGE MERCANTILE,

Defendant.

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

Plaintiff has submitted a "Motion for Ermobal [Removal] Areicle [Article] 81.1."
 He has failed either to pay the \$350.00 filing fee or to file a 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 8.1, 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.

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) is missing original signature by Plaintiff
- (4) is missing affidavit

- (5) ___ affidavit is incomplete
- (6) ___ affidavit is not notarized or is 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 Plaintiff
- (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 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, copies of the following form: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 24th 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 - 00427

John Moore
140 SE Frontier Ct.
Cedaredge, CO 81413

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** to the above-named individuals on 2/25/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk