

FILED
 UNITED STATES DISTRICT COURT
 DISTRICT OF COLORADO

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO**

FEB 26 2010

Civil Action No. '10 - CV - 00440 bnb GREGORY C. LANGHAM
 CLERK

(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.)

RUFUS Q. HIGH HAWK,

Plaintiff,

v.

COLORADO DEP'T OF CORRECTIONS,
 PEGGY HEIL, S.O.T.M.P. Director, In her Individual and Official Capacity,
 HENRY YBARRA, L.C.S.W., A.V.C.F. Mental Health, In his Individual and Official
 Capacity,
 STEVEN FIELDMAN, Dep. District Attorney, 10th Judicial Dist. (Now a County Judge),
 In his Individual and Official Capacity,

Defendants.

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

Plaintiff has submitted a Prisoner Complaint, a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, a Letter addressed to the Clerk of the Court, and a Letter addressed to the Justices of the United States Court of Appeals for the Tenth Circuit. 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.

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

- (1) is not submitted
- (2) is missing affidavit
- (3) certified copy of prisoner's trust fund statement does not cover all of the the 6-month period immediately preceding the filing of this action
- (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) 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 Plaintiff cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that 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's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Prisoner Complaint. It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this Order** the action will be dismissed without further notice. It is

FURTHER ORDERED that the requests asserted in the Letter to the Clerk of the Court to subpoena documents and for appointment of counsel are denied as premature.

DATED at Denver, Colorado, this 25th 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 - 00440

Rufus Q. High Hawk
Prisoner No. 109035
Pueblo County Jail
909 Court Street
Pueblo, CO 81003

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 2/26/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk