

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 16 2010

Civil Action No. 10 - CV - 00604 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.)

GREGORY C. LANGHAM
CLERK

MICHAEL WAYNE BINGHAM, CDOC# 111108,

Plaintiff,

v.

AR[ISTEDES W. ZAVARAS, Executive Director, DCOC,
WARDEN TIMME, FCF,
LT. KOCHEVER,
LT. TAPPI,
LT. DIRECTO,
SGT. MARTIN,
SGT. STOGHILL,
JIM MOORE, CDO HQ Offender Services,
LT. ESPINOZA, FCF Hearings Investigator,
LT. BRADEN, FCF Hearings Judge,
CAPT. GONZALES, Head Case Mgr., A.V.C.F.,
LT. LUCERO, Gang Coord., A.V.C.F.,
WARDEN MILYARD, SCF,
CDOC MEDICAL HQ, FCF, AVCF, & SCF,
CDOC MENTAL HEALTH, and
PHYSICIANS HEALTH PROVIDER,

Defendants.

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

Plaintiff has submitted a letter to the court, a "Plaintiff's First Request for Production of Documents," an "Order to Show Cause for Preliminary Injunction and Temporary Restraining Order," a "Motion Appointment of Counsel," a Summons, a

Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and a Prisoner Complaint. 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: Account statement must be certified by an appropriate official of Plaintiff's penal institution.

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, if the Plaintiff fails 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 15th day of March, 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 - 00604

Michael Wayne Bingham
Prisoner No. 111108
Sterling Correctional Facility
PO Box 6000 - Unit 4-B-308
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/16/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk