

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

MAY 25 2010

Civil Action No. 10 - CV - 01202 Bnb GREGORY C. LANGHAM  
(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.)  
CLERK

CHARLES ROBERT SHEPARD, Secured Party/Creditor, Comptroller,

Third Party Intervenor, Petitioner and Plaintiff,

v.

STATE OF COLORADO, INC.,  
ARAPAHOE COUNTY DISTRICT COURT, INC., and  
COLORADO DEPARTMENT OF CORRECTIONS, INC.,

Defendants and Respondents.

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

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Plaintiff Charles Robert Shepard, a prisoner in the custody of the Colorado Department of Corrections, has submitted a document titled "Petition of Removal and Complaint In Rem, With Arrest of the Vessel Supported by Affidavit, for Possession of the Vessel Wrongfully Taken Under Rule D and Request for Exoneration and Liability Under Rule F." The court notes initially that, despite describing the pleading in part as a petition of removal, there is no indication in the pleading that Mr. Shepard actually is removing any action to this court. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court has determined that the document is deficient as described in this order. Notwithstanding the deficiencies, the clerk of the court will be directed to commence a civil action. Mr. Shepard will be directed to cure the following if

he wishes to pursue any claims in this action. Any papers that Mr. Shepard files in response to this order must include the civil action number on this order.

**Motion 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/petitioner/applicant on motion
- (4) ☐ is missing affidavit
- (5) ☐ affidavit is incomplete
- (6) ☐ is missing original signature by plaintiff/petitioner/applicant on affidavit
- (7) ☐ affidavit is not notarized or is not properly notarized
- (8) ☐ names in caption do not match names in caption of complaint, petition or 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 entire \$350.00 filing fee is not paid in advance.

**Complaint or Petition:**

- (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 plaintiff/petitioner/applicant
- (14) ☐ is incomplete
- (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 Mr. Shepard cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers that Mr. Shepard 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 Mr. Shepard, 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; Prisoner Complaint. It is

FURTHER ORDERED that, if Mr. Shepard fails to cure all of 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 20<sup>th</sup> day of May, 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 - 01202

Charles Robert Shepard  
Reg. No. 99669  
Fort Lyon Corr. Facility  
P.O. Box 1000  
Ft. Lyon, CO 81038

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 5/25/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk