

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 14 2010

Civil Action No. 10 - CV - 0137 BHB

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.)

VIRGIL F. RICE,

Plaintiff,

v.

LARIMER COUNTY COLORADO,
SHERIFF JAMES ALDERDEN,
MAJ. WILLIAM NELSON,
LT. PATRICK McCOSH,
DIR. LAURIE STOLEN,
SANDRA GRIFFIN, RN,
MARGO GEPPERT, MD,
JACK HALEY, PA,
DAVID AYRAUD,
GEORGE HASS,
THE HONORABLE DAVE WILLIAMS,
TIMOTHY WIRT, MD,
CORRECTIONAL HEALTHCARE MANAGEMENT, INC.,
THE 8TH JUDICIAL DISTRICT,
JAMES ALDERDEN, Individually,
WILLIAM NELSON, Individually,
PATRICK McCOSH, Individually,
LAURIE STOLEN, Individually,
SANDRA GRIFFIN, Individually,
MARGO GEPPERT, Individually,
JACK HALEY, Individually,
DAVID AYRAUD, Individually, and
DAVE WILLIAMS, Individually,

Defendants.

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

Plaintiff has submitted a "Motion for Procedural Relief in Re: Prisoner Complaint concerning the Denial of Medical Care," a "Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 Concerning Unlawful Denial of Medical Care," and a "Prisoner Complaint Concerning the Denial of Medical Care." 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 (account statement submitted does not cover 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) ___ 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

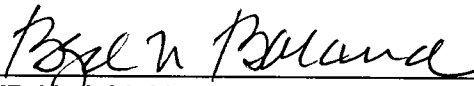
FURTHER ORDERED that the Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which the Plaintiff files in response to this order must include the civil action number on this order. It is

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. It is

FURTHER ORDERED that the "Motion for Procedural Relief in Re: Prisoner Complaint concerning the Denial of Medical Care" is denied in part as unnecessary and in part as premature.

DATED at Denver, Colorado, this 10th day of June, 2010.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

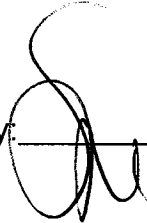
CERTIFICATE OF MAILING

Civil Action No. '70 - CV - 01371

Virgil F. Rice
Prisoner No. 0812864
Larimer County Det. Center
2405 Midpoint Dr.
Fort Collins, CO 80525

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/14/10

GREGORY C. LANGHAM, CLERK

By:  Deputy Clerk