

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

'10 - CV - 01608

B13

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

JUL 8 - 2010

GREGORY C. LANGHAM  
CLERK

Civil Action No. \_\_\_\_\_

(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.)

DUANE ERIC NICHOLAS,

Plaintiff,

v.

JEANEENE E. MILLER (Official and Individual Capacity),  
DANA SULLIVAN, (Official and Individual Capacity),  
MICHAEL WALLINE (Official and Individual Capacity),  
DAINE FREAS (Official and Individual Capacity),  
"KATHY/CATHY" (Official and Individual Capacity),  
ARI ZAVARAS (Official and Individual Capacity), and  
JOHN STONE (Official and Individual Capacity),

Defendants.

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

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Plaintiff has submitted 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 (Account statement submitted is not certified by an appropriate official of Plaintiff's penal institution.)
- (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.

DATED at Denver, Colorado, this 7<sup>th</sup> day of July, 2010.

BY THE COURT:



CRAIG B. SHAFFER  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

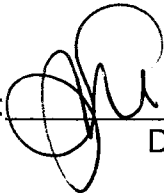
CERTIFICATE OF MAILING

Civil Action No. '10 - CV - 01608

Duane Eric Nicholas  
Prisoner No. 54615  
Arapahoe County Det. Facility  
PO Box 4918  
Centennial, CO 80155

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/8/10

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk