

FILED
 UNITED STATES DISTRICT COURT
 DENVER, COLORADO

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

SEP 7 - 2010

Civil Action No. '10 - CV - 02172 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

BONNER ROBINETTE, and
 SHIRLEY ROBINETTE,

Plaintiffs,

v.

SYDNEY "DUKE" SCHIRARD, Sheriff of La Plata County Colorado, in his Individual
 and Professional Capacities,
 BOBBIE FENDER, in his Individual and Professional Capacities,
 DANIEL NEWMAN, in his Individual and Professional Capacities,
 CODY STORY, in his Individual and Professional Capacities,
 MELVIN SCHAFF, in his Individual and Professional Capacities, and
 CHARLES HAMBY, in his Individual and Professional Capacities,

Defendants.

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

Plaintiffs have submitted, through counsel, a Civil Cover Sheet, an "Application
 to Proceed in District Court Without Prepaying Fees or Costs," a "Notice of a Lawsuit
 and Request to Waive Service of a Summons," a "Waiver of the Service of Summons"
 and a "Complaint and Jury Demand on All Counts." As part of the court's review
 pursuant to D.C.COLO.LCivR 8.1, 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. Plaintiffs will be

directed to cure the following if they wishes to pursue their claims. Any papers which the Plaintiffs file in response to this order must include the civil action number on this order.

Motion and Affidavit 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 Plaintiffs
- (4) is missing affidavit
- (5) affidavit is incomplete
- (6) affidavit is not notarized or is not properly notarized
- (7) names in caption do not match names in caption of complaint, petition or application
- (8) An original and a copy have not been received by the court.
Only an original has been received.
- (9) other _____

Complaint or Petition:

- (10) is not submitted
- (11) is not on proper form (must use the court's current form)
- (12) is missing an original signature by the Plaintiffs
- (13) is incomplete
- (14) uses et al. instead of listing all parties in caption
- (15) An original and a copy have not been received by the court. Only an original has been received.
- (16) Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) names in caption do not match names in text
- (18) other _____

Accordingly, it is

ORDERED that the clerk of the court commence a civil action in this matter. It is

FURTHER ORDERED that the Plaintiffs cure the deficiencies designated above

within thirty (30) days from the date of this order. Any papers which the Plaintiffs

file 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 the Plaintiffs, together with a copy of this order, copies of the following form: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. It is

FURTHER ORDERED that, if the Plaintiffs fail 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 3^d day of September, 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 - 02172

Lynda E. Carter
Attorney at Law
P.O. Box 3801
Pagosa Springs, CO 81147

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** for both **plaintiffs** to the above-named individuals on 9/7/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk