

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. '10 - CV - 02297 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.)

SEP 20 2010

GREGORY C. LINDHAM
CLERK

JONATHAN DAVID DANIEL SCHMIER,

Plaintiff,

v.

COLORADO SPRINGS POLICE DEPARTMENT,
EL PASO DISTRICT ATTORNEY'S OFFICE,
PUBLIC DEFENDER'S OFFICE,
DETECTIVE CARLOTTA RIVERA, Badge #1766D, and
OFFICER MATTHEW J. DUNICH, Badge #1611,

Defendants.

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

Plaintiff has submitted a 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 8.1, 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. 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.

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 Plaintiff
- (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 **for non-prisoners**)
- (12) is missing an original signature by the Plaintiff
- (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 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 the clerk of the court mail to the Plaintiff, together with a copy of this order, copies of the following forms: Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Complaint. 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 16th day of September, 2010.

BY THE COURT:



BOYD N. BOLAND
United States Magistrate Judge

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FOR THE DISTRICT OF COLORADO

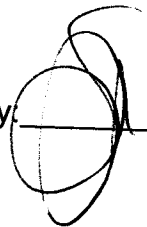
CERTIFICATE OF MAILING

Civil Action No. **'10 - CV - 02297**

Jonathandavid Daniel Schmier
4465 Laredo Meadow Point #105
Colorado Springs, CO 80922

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** and **Complaint forms** to the above-named individuals on 9/20/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk