

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT 20 2010

GREGORY C. LANGHAM  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. '10 - CV - 02555 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.)

CANDY COPPINGER,

Plaintiff,

v.

EXECUTIVE DIRECTOR ARISTEDES W. ZAVARAS,  
GRIEVANCE OFFICER ANTHONY DeCESARO,  
WARDEN REID,  
ASSOCIATE WARDEN WASKO,  
MAJOR McGOWN,  
MAJOR THOMPSON,  
CAPTAIN FILER,  
LIETUENT [sic] SCOLERI,  
LIETUENT [sic] HUGHBANKS,  
SERGENT [sic] MINJAREZ,  
SERGENT [sic] SALAZAR,  
CORRECTION OFFICER MILLER,  
GRIEVANCE COORDINATOR ELMA BIRD, and  
UNKNOWN AT THIS TIME,

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 an "Application for Public Defender, Court-Appointed Counsel, or Guardian Ad Litem," a request for recusal, a "Motion to File Without Payment of Filing Fee" 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 she wishes to pursue her 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 a 6-month period)
- (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 the clerk of the court mail to the Plaintiff, together with a copy of this order, two copies of the following form: Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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 Application for Public Defender, Court-Appointed Counsel, or Guardian Ad Litem is denied as premature and the request for recusal is denied as inappropriate.

DATED at Denver, Colorado, this 19<sup>th</sup> day of October, 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 - 02555

Candy Coppinger  
Prisoner No. 59072  
La Vista Corr. Facility  
1401 W. 17<sup>th</sup> Street  
Pueblo, CO 81003

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** to the above-named individuals on 10/26/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk