

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 22 2011

GREGORY C. LANGHAM
CLERK

Civil Action No. 11-cv-01547-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.)

THOMAS A. WARNER, and
PAULA E. WARNER,

Plaintiffs,

v.

NATIONSTAR MORTGAGE, LLC,
CITI MORTGAGE, INC.,
MORTGAGE ELECTRONIC REGS [sic] SYSTEMS (MERS), and
FANNIE MAE, Investores,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCIES

Plaintiffs have submitted a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. 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. Plaintiffs will be directed to cure the following if they wishes to pursue their claims. Any papers which the Plaintiffs 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 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: each Plaintiff must submit an individual § 1915 motion.

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: Complaint is not signed by Plaintiff, Paula E. Warner.
- (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 Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the Plaintiffs 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 Plaintiffs, 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 a Complaint. It is

FURTHER ORDERED that, if the Plaintiffs 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 June 22, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01547-BNB

Thomas A Warner and
Paula E Warner
5559 Country Heights Crt
Colorado Springs, CO 80917

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 of the Complaint forms** to the above-named individuals on June 22, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk