

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00541-PAB-KLM

MATTHEW F. HALE,

Plaintiff(s),

v.

JOHN ASHCROFT,  
ALBERTO GONZALES,  
HARRELL WATTS,  
R. WILEY,  
MICHAEL NALLEY,  
F. A. BIERSCHBACH,  
FEDERAL BUREAU OF INVESTIGATION,  
HARLEY LAPPIN,  
HARVEY CHURCH,  
U.S. PENITENTIARY - MAX  
FEDERAL BUREAU OF PRISONS,  
KATHLEEN HAWK SAWYER,

Defendant(s).

---

**MINUTE ORDER**

---

**ORDER ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion to Strike Defendants' Pleadings for Failure to Deliver a Copy of Them to Plaintiff** [Docket No. 115; Filed March 9, 2009] (the "Motion"). Plaintiff argues that because he did not timely receive copies of Defendants' Responses to Plaintiff's Request for Production of Documents [Docket No. 110-2] ("Defendants' Discovery Responses") and Defendants' Reply in Support of Motion for Entry of Protective Order [Docket No. 109] ("Defendants' Reply"), these pleadings should be stricken. Plaintiff contends that he ultimately received Defendants' Discovery Responses on March 2, 2009 as an attachment to another pleading. Plaintiff

also contends that he has never received a copy of Defendants' Reply. The Court notes that both pleadings contain a certificate of service on Plaintiff either via the United States mail or Bureau of Prisons ("BOP") personnel for hand delivery.

IT IS HEREBY **ORDERED** that the Motion is **DENIED**. Plaintiff has failed to articulate a sufficient justification for striking a pleading pursuant to Fed. R. Civ. P. 12(f). While I do not find that the pleadings should be stricken, the Court makes two observations. First, Defendants certified that they mailed Defendants' Reply [#109] by United States mail. The Federal and Local Civil Rules require no further action. Second, Defendants certified that they provided a copy of Defendants' Discovery Responses [#110-2] to "BOP personnel" for hand delivery to Plaintiff. This does not appear to be an effective delivery method and Defendants are instructed to henceforth use the United States mail in addition to any attempts to hand deliver case documents to Plaintiff through nonparty BOP personnel. Accordingly,

IT IS FURTHER **ORDERED** that Defendants shall mail copies of all pleadings filed with the Court and all discovery materials from this date forward to Plaintiff via United States mail. If the Court finds that Defendants' discovery conduct merits sanction or the extension of case deadlines, the Court will address those issues in its review of Plaintiff's pending Motion for Sanctions for Failure to Obey Court's Order Regarding Discovery [#106] and/or Defendants' pending Motion to Stay Proceedings [#113].

IT IS FURTHER **ORDERED** that the Clerk shall mail a copy of Defendants' Reply [#109] to Plaintiff in conjunction with this Minute Order.

Dated: March 10, 2009