

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 06-cv-01948-REB-BNB

DANIEL E. MURPHY,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS (“CDOC”),  
JOE ORTIZ,  
PEGGY HEIL,  
DON MORTION, and  
LARRY TURNER,

Defendants.

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**ORDER**

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This matter arises in connection with the following motions:

1. **Motion to Strike Plaintiff’s Response . . . .** [Doc. #178] filed by the defendants on April 7, 2009 (the “Defendant’s Motion”); and
2. **Plaintiff’s Motion for Court’s Assistance . . . .** [Doc. #182] filed by the plaintiff on April 21, 2009 (the “Plaintiff’s Motion”).

The plaintiff has two claims pending. On February 23, 2009, the defendants filed a motion for summary judgment on both claims [Doc. #163]. The motion is 20 pages in length, excluding attachments. On March 26, 2009, the plaintiff filed a 47 page response, excluding attachments [Doc. #176]. On March 27, 2009, the plaintiff filed a supplemental response consisting of 6 pages [Doc. #177].

The defendants move to strike the plaintiff’s response and supplemental response because they do not comply with Judge Blackburn’s Civil Practice Standards. *Defendant’s Motion*, pp.

2-3. The plaintiff argues that he should not be held to Judge Blackburn's Civil Practice Standards because he was not aware of them. *Plaintiff's Objection to Defendant's Motion to Strike* . . . [Doc. #181]. He states that "[t]he only rules this Court has ever provided to the Plaintiff is the 'LOCAL RULES OF PRACTICE'" which do not address page limits. *Id.* at ¶ 10.

The Local Rules of Practice provide that all "[m]otions, responses, and replies shall be concise." D.C.COLO.LCivR. 7.1H. Moreover, "[a] verbose, redundant, ungrammatical, or unintelligible motion, response, or reply may be stricken or returned for revision, and its filing may be grounds for imposing sanctions." *Id.*

The plaintiff's response is verbose. Accordingly, the Defendant's Motion is GRANTED. The response and the supplemental response are STRICKEN. On or before May 21, 2009, the plaintiff shall resubmit a response to the defendant's summary judgment motion which does not exceed 20 pages in length, excluding attachments.

The plaintiff requests that in the event his responses are stricken, the court (1) reimburse him for the money he spent drafting and filing his responses, and (2) assist him or provide him counsel to assist him with condensing his response. *Plaintiff's Motion*, ¶¶ 8-9. The plaintiff's request is DENIED.

IT IS ORDERED that the Defendant's Motion [Doc. #178] is GRANTED.

IT IS FURTHER ORDERED that the plaintiff's response [Doc. #176] and supplemental response [Doc. #177] are STRICKEN. The plaintiff shall, on or before **May 21, 2009**, submit a response to the defendant's summary judgment motion which does not exceed 20 pages in length, excluding attachments.

IT IS FURTHER ORDERED that the Plaintiff's Motion [Doc. #182] is DENIED.

Dated April 22, 2009.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge