

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01297-PAB-KLM

MALACHI Z. YORK, a/k/a Dwight York,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,  
MAUREEN CRUZ, former Associate Warden,  
JACK FOX, Associate Warden,  
BRIAN A. BLEDSOE, Warden,  
L. MCDERMOTT, Health Services Specialist,  
S. SMITH, SIS Technician,  
S. NAFZIGER, MD, Clinical Director,  
C.W. WELCH, Physician Assistant,  
MICHAEL NALLEY, Regional Director,  
D. SHIEFELBEIN, Physician's Assistant,  
J.T. SHARTLE, former Associate Warden,  
RON WILEY, Warden,  
HERMAN O. LYLE, MD, Consultant Internist,  
IVAN NEGRON, MD, Medical Director,  
RATAEL ROMAN, MD, Clinical Director,  
RAIEZ, Health Physician Assistant,  
G. HICKS, Physician Assistant,  
J.F. CASTILLO, Physician Assistant,  
RICK STALLKAMP, Pharmacist,  
LAWRENCE LEYBA, DO, Clinical Director,  
M. MILLER, Physician Assistant,  
A. VINYARD, Physician Assistant,  
Y. FETTERHOFF, Imaging Techniques Specialist,  
M. SWANN, Practitioner Assistant, each in his/her individual and official capacity,

Defendants.

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**MINUTE ORDER**

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

This matter is before the Court on Plaintiff's **Petition for Declaratory Judgment** [Docket No. 147; Filed January 16, 2009] (the "Motion"). The Motion is largely unintelligible

and, to the extent that the Court can derive its meaning, the purpose of the Motion appears to be unrelated to Plaintiff's complaint, which asserts Eighth Amendment medical indifference and Fifth Amendment due process claims. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED** as unintelligible, immaterial, and frivolous. Plaintiff is cautioned that although he is now proceeding *pro se*, the filing of motions or pleadings which have no relation to the issues in his case, or which appear to be solely for the purpose of delaying resolution of the issues in his case, will not be tolerated. **Future unintelligible, immaterial and/or frivolous motions or pleadings will be summarily stricken pursuant to Fed. R. Civ. P. 12(f) or D.C. Colo. L. Civ. R. 7.1(H).** In addition, Plaintiff has been warned that his pleadings must comply with the conferral requirements of D.C. Colo. L. Civ. R. 7.1(A) [Docket No. 124]. The Motion does not comply with Local Rule 7.1(A) and is subject to denial on this basis alone.

Dated: January 21, 2009