

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02091-BNB

DOUGLAS A. MAYHEW,

Plaintiff,

v.

CHERRY CREEK MORTGAGE CO., INC., et al.,
NORA ZIEL,
DAISEY NANTON,
MIKE SMITH,
HEATHER BRADSHAW,
CHRISTINE RYCHLEC,
SECURITY TITLE GUARANTY CO., et al.,
WHITNEY WINICK,
"MERS," INC., et al.,
NORWEST MORTGAGE, INC., et al.,
WELLS FARGO HOME MORTGAGE, INC., et al.,
WELLS FARGO BANK, N.A., et al.,
JOAN MILLS,
WFMBS 2005-14., et al.,
BRADLEY DAVIS,
BRICE, VANDER LINDEN & WERNICK, P.C., et al.,
JOE LOZANO, JR.,
WACHOVIA BANK, N.A., et al.,
CASTLE MEINHOLD & STAWIARSKI, LLC., et al.,
BRITNEY BEALL-EDER,
P.C. WOLF,
ERICKA OLSON,
LAUREN SMITH,
JENNIFER ROGERS,
GUARANTY BANK AND TRUST COMPANY, et al.,
ABBY LARSEN,
CIT GROUP/CONSUMER FINANCE, INC., et al.,
NATIONWIDE TITLE CLEARING, INC., et al.,
DUSTI WOODBURY,
INDYMAC BANK HOME EQUITY DIV., F.S.B., and
"JOHN AND JANE DOES" 1-11 . . . , et al.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADOJAN 14 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Douglas A. Mayhew currently resides in Boulder, Colorado. Mr. Mayhew initiated the instant action on September 16, 2008, by submitting to the Court a pleading titled, "Verified Notice of Rescission and Intention to File Complaint." Upon review of the merits of the Verified Notice, Magistrate Judge Boyd N. Boland entered an order, on September 29, 2008, directing Plaintiff to file his claims on a Court-approved form used by *pro se* litigants in filing civil complaints. Plaintiff specifically was instructed to file a Civil Complaint form and to submit a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 or in the alternative to pay the \$350.00 filing fee within thirty days of the September 29, 2008, Order.

On October 27, 2008, Plaintiff paid the fee. Mr. Mayhew, however, failed to file his claims on a Court-approved form. He did file a "Motion for Extension of Time to File Complaint," on October 24, 2008. In the Motion, he requested that he be given until February 13, 2009, to submit his Complaint. Magistrate Boland denied the Motion on October 27, 2008, because Plaintiff failed to show just cause for a four-month extension of time to file his claims on a Court-approved form. Mr. Mayhew, nonetheless, was granted a sixty-day extension to comply with the September 29, 2008, Order and file his claims on a Court-approved form.

On December 29, 2008, Mr. Mayhew filed a pleading titled, "Verified Complaint and Jury Demand." Nonetheless, he failed to comply with the September 29, 2008, Order and file his Complaint on a Court-approved form. Therefore, the Complaint will be dismissed for failure to cure all deficiencies noted in the September 29, 2008, Order.

The Court also notes that Mr. Mayhew submitted, via facsimile, a "Motion for Leave . . . to File Papers in Accordance with D.C.COLO.LCivR 10.1 . . . and Use of CM/ECF System." Attached to the Motion is an "ECF [Electronic Case Filing] Registration Form-Pro Se." The Motion is inappropriate. Mr. Mayhew failed to comply with the ECF procedures that are posted on this Court's website for requesting permission to participate in the ECF system. An ECF registration form must be submitted by paper to the Court and contain an original signature. Accordingly, it is

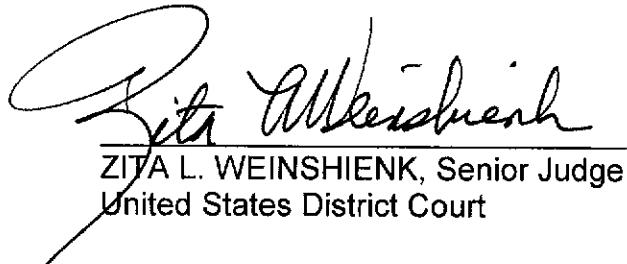
ORDERED that the Complaint and action are dismissed without prejudice for failure to cure all deficiencies within the time allowed. It is

FURTHER ORDERED that Mr. Mayhew's Motion, (Doc. No. 7), filed December 24, 2008, is denied as inappropriate. It is

FURTHER ORDERED that Mr. Mayhew's Verified Emergency Motion Enjoining Defendant Foreclosure Sale, (Doc. No. 9), is denied as moot.

DATED at Denver, Colorado, this 14 day of January, 2009.

BY THE COURT:



ZITA L. WEINSHENK, Senior Judge
United States District Court

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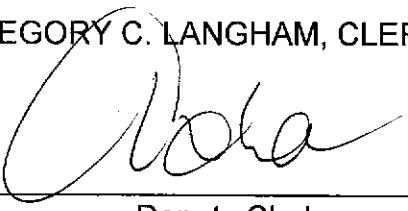
CERTIFICATE OF MAILING

Civil Action No. 08-cv-02091-BNB

Douglas A. Mayhew
307 LaBelle Road
Boulder, CO 80302

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 1/14/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk