

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00072-BNB

JUSTIN RUEB #94567, also known as
JUSTIN JOSEPH RUEB,
ROY HERNANDEZ #57239,
CESAR CABRERA, JR. #114314,
DARLY WAGNER #60176,
DANIEL GONZALES #82260,
MICHAEL WAYNE HARVEY #119108,
DAVID EURIOSTE #68633,
RUDY BALL #117586,
DAVID J. NORMAN #116936,
VERNON TEMPLEMAN #51255,
KENNETH J. SLAPE #90940,
JUSTIN W. LAMB #126857,
RAY MAYNES #102755,
GILBERT MONTUR #68621,
LARRY SCOTT #56287,
JORDON BURDEN #94635,
LEROY ARMIJO #64355.
STEVEN BEAUDRY #105253,
RAYMOND CAIN #88807,
JARED VILLAREAL #118512,
JAMES R. WASHINGTON #126954,
CARLOS MONDRAGON #69193,
BOBBY VALENZUELA #60577,
ALAN MEADS #131676,
RICHARD POWER #127992,
KHADASI Z. HORLEN #123224,
JACOB OAKLEY #123294,
LARRY UPTON #118846,
MICHAEL A. LETS #105561,
WAYNE JUNE #114976,
FRANCISCO CORDOZA #109770,
CHRIS SOLANO #98539,
JUAN CARPIO #131589,
JOSH MATTHEWS #123848,
RAYMOND A. MARTINEZ #62086,
DEON EDWARDS #60080,
PATRICK PLACENSIO #66074,
SHAWN SHIELDS #69301,
GEORGE SHANKLIN #60141,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB -3 2009

GREGORY C. LANGHAM
CLERK

MIKE HERNANDEZ #87483,
JOE PARSONS #80152,
MATTHEW PAZ #121462,
RICKY MAES #127326,
SHANE CROOK #102750,
DUSTIN A SHERWOOD #109711,
ALONSO ALIRE #137184,
DAVID MORENO #135344,
JOHNNY J. QUINTANA #49663,
ANASTASIA HELOV, and
MIRIAM NYSTAD,

Plaintiffs,

v.

ARISTEDES ZAVARAS,
BROWN (CAPTAIN),
JOHN OR JANE DOE #3,
DENNIS BURBANK,
KATHLEEN BOYD,
DANIEL DENT,
JIM GENTILE,
CATHIE HOLST,
JOHN OR JANE DOE #1,
C. MCCARTY,
CHRISTINE MOSCHETTI,
R. OLIVETT,
LARRY REID,
C. ROY,
PEGGY STEELE,
RICHARD WREN,
D. ZUPAN,
BUCHANAN,
EUGENE ATHERTON,
C. BARR,
CORTEZ,
D. P. DIAZ,
SUE GRISENTI,
H. T. HUERTAS,
JOHN DOE #2,
MUNSON,
M. N. MCCORMICK,
JAMES A. OLSON,
J. ROMERO,

KEN SALAZAR,
R. TWILLENER,
D. WILLIAMS,
BROWN (SERGEANT),
S. OWENS,
BOBBY ALLEN,
Y. BROWN,
ANNE DEFUSCO,
DANNY FOSTER,
M. HILDEBRAND,
CARL HOLDITCH,
J. JIMINEZ,
MCGREGORY,
C. MAY,
PANEK,
RODECAPE,
JOHN SUTHERS,
G. VENDETTI,
H. WILLIAMS,
ANTHONY DECESARO,
R. WILLIAMS,
ROBERT ALLEN,
BRANDT,
JAMES DALTON,
S. GARCIA,
HALSTEAD,
SUSAN JONES,
ANGEL MEDINA,
MARTINEZ,
DONICE NEAL,
J. PEDRIE,
W. RICHTER,
JOHN STONER,
H. WILKINS, and
J. WRIGHT,

Defendants.

ORDER

The motion titled "Motion to Appoint Plaintiff Justin Rueb as 'Interim Counsel' for

the Plaintiffs, Per Fed. R. Civ. P. 23(g)(3)” that Plaintiff Justin Rueb submitted to and filed with the Court on January 28, 2009, will be DENIED. A plaintiff who is not a lawyer is not entitled to act as attorney for other plaintiffs in federal court. **See** 28 U.S.C. § 1654; **see also** *Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000).

The motion titled “Motion for the Court to Waive the Plaintiffs From their Traditional Obligation of Having to Produce Copies of This Lawsuit for Each Defendant, and to Order their Attorney to Make the Copies Instead” that Mr. Rueb also submitted to and filed with the Court, and that only Mr. Rueb signed, will be DENIED. As previously stated, a plaintiff who is not a lawyer is not entitled to act as attorney for other plaintiffs in federal court.

The amended complaint that Plaintiffs submitted to and filed with the Court on January 28, 2009, indicates the address for each Plaintiff. Therefore, the clerk of the Court will be directed to mail a Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to each named Plaintiff, other than Mr. Rueb, who is incarcerated and to mail a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to the two named Plaintiffs who are not incarcerated. The Court already is in receipt of Mr. Rueb’s § 1915 motion. Any Plaintiff who fails to cure the designated deficiency within thirty days from the date of this order will be dismissed without further notice as a party to this action. Accordingly, it is

ORDERED that the motion titled “Motion to Appoint Plaintiff Justin Rueb as ‘Interim Counsel’ for the Plaintiffs, Per Fed. R. Civ. P. 23(g)(3)” that Plaintiff Justin Rueb

submitted to and filed with the Court on January 28, 2009, is DENIED. It is

FURTHER ORDERED that the motion titled "Motion for the Court to Waive the Plaintiffs From their Traditional Obligation of Having to Produce Copies of This Lawsuit for Each Defendant, and to Order their Attorney to Make the Copies Instead" that Mr. Rueb also submitted to and filed with the Court, and that only Mr. Rueb signed, is DENIED. It is

FURTHER ORDERED that the clerk of the Court is directed to mail a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to each named Plaintiff, other than Mr. Rueb, who is incarcerated and to mail a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 to the two named Plaintiffs who are not incarcerated. The Court already is in receipt of Mr. Rueb's § 1915 motion. It is

FURTHER ORDERED that any Plaintiff who fails to cure the designated deficiency **within thirty (30) days from the date of this order** will be dismissed without further notice as a party to this action.

DATED February 2, 2009, 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. 09-cv-00072-BNB

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INTERNATIONAL MAIL

I hereby certify that I have mailed a copy of the **ORDER** and a copy of the **Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. §1915** to the incarcerated plaintiffs and a copy of the **Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915** form the non incarcerated plaintiffs to the above-named individuals on 2/3/09.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk