

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00140-BNB

TIFFANY D. THEISEN, and
RICHARD L. THEISEN,
Plaintiffs,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 20 2009

GREGORY C. LANGHAM
CLERK

v.

CITY OF WESTMINSTER MUNICIPAL COURT,
JOHN A. STIPECH, individually and in his official capacity,
JEFF CAHN, individually and in his official capacity,
PAUL D. BASSO, individually and in his official capacity, and
JAROD BALSON, individually and in his official capacity,
Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCY

Plaintiffs, Tiffany D. Theisen and Richard L. Theisen, initiated this action by filing *pro se* a Complaint. On February 17, 2009, Plaintiffs filed individual amended complaints on the court's nonprisoner complaint form. On February 20, 2009, the court ordered Plaintiffs to file a second amended complaint signed by both Plaintiffs that complies with the pleading requirements of the Federal Rules of Civil Procedure. On March 17, 2009, Plaintiffs filed a Second Amended Complaint and a Motion for Stay of Execution. However, neither the Second Amended Complaint nor the Motion for Stay of Execution is signed by both Plaintiffs. Instead, the Second Amended Complaint and the Motion for Stay of Execution are signed by Plaintiff Richard D. Theisen for himself and on behalf of Plaintiff Tiffany D. Theisen, who allegedly is incarcerated.

Plaintiff Richard L. Theisen may not sign papers on behalf of Plaintiff Tiffany D. Theisen or any other person because a *pro se* litigant may not represent another *pro*

se litigant in federal court. **See** 28 U.S.C. § 1654. Therefore, the court finds that the Second Amended Complaint and the Motion for Stay of Execution both are missing a signature by one of the proponents of those papers. Pursuant to Rule 11(a) of the Federal Rules of Civil Procedure, “[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Furthermore, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” Fed. R. Civ. P. 11(a). Plaintiffs will be ordered to file new copies of the Second Amended Complaint and the Motion for Stay of Execution signed by both of them if they both wish to pursue their claims in this action. Accordingly, it is

ORDERED that Plaintiffs cure the deficiency in this action **within thirty (30) days from the date of this order** by filing new copies of the Second Amended Complaint and the Motion for Stay of Execution that are signed by both Plaintiffs. It is

FURTHER ORDERED that if Plaintiffs fail to cure the deficiency within the time allowed, Plaintiff Tiffany D. Theisen will be dismissed as a party to this action without further notice.

DATED March 20, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

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FOR THE DISTRICT OF COLORADO

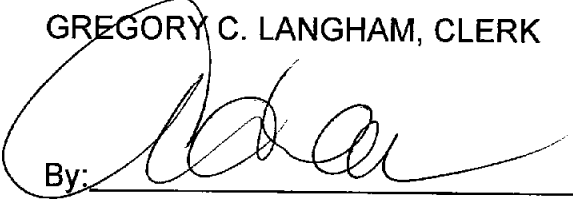
CERTIFICATE OF MAILING

Civil Action No. 09-cv-00140-BNB

Richard Theisen
Tiffany Theisen
4534 Adieu Circle
Colorado Springs, CO 80917

I hereby certify that I have mailed a copy of the **ORDER** the above-named individuals on 3/20/09

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk