

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00278-CMA-MEH

LUKE PREACHER, and
DAWANE MALLETT,

Plaintiffs,

v.

RON WILEY, Warden ADX-Florence,
B. A. BLEDSOE, Warden USP Marion,
J. FOX, Associate Warden ADX-Florence,
MARK COLLINS, Unit Manager ADX-Florence,
GEORGE KNOX, Counselor ADX-Florence,
J. MANLEY, Lieutenant ADX-Florence,
TINA SUDLOW, Case Manager ADX-Florence,
CORR. OFFICER MANSPEAKER, ADX-Florence,
CORRECTIONAL OFFICER BREAM, ADX-Florence,
J. D. WALTERS, Lieutenant ADX-Florence,
CORR. OFFICER BARBARA BATULIS, ADX-Florence,
LIEUTENANT C. RIVERS,
CAPTAIN KRIST, and
JOHN DOE, Unknown Person,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 22, 2009.

Pending before this Court are Plaintiff Mallett's Motion for Rule 11 Sanctions [filed September 17, 2009; docket #284] and a document signed by Plaintiff Preacher which the Court has construed as another Motion for Default Judgment [filed September 21, 2009; docket #291]. Although neither motion is properly filed in this Court (the Plaintiffs each seek remedies in the case on behalf of each other), the Court will address the crux of both motions, which appears to be an ongoing concern by the Plaintiffs in this case - their beliefs that Defendants have failed to respond to their complaint(s) in a timely manner.

As the parties know, on August 3, 2009, this Court permitted the Plaintiffs to file a Third Amended Complaint on or before August 17, 2009; on August 18, 2009, this Court received Plaintiffs' tendered Third Amended Complaint. On August 25, 2009, the Court approved the Third Amended Complaint for filing and ordered that Defendants respond to the Third Amended

Complaint on or before September 8, 2009. Although several Plaintiffs were dismissed in the meantime, Defendants timely responded to the Third Amended Complaint by filing a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on September 8, 2009. *See* Fed. R. Civ. P. 12(a). Consequently, the Court finds no basis upon which to enter default or impose sanctions and, thus, Plaintiffs' motions are **denied**.

Again, the Court warns the Plaintiffs that any future motions or pleadings seeking relief in this case on behalf of another Plaintiff will be stricken. Any filed document addressing issues in the case (as opposed to issues involving one individual) must be prepared and signed by all Plaintiffs.