

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00558-CMA-CBS

TERRY L. NICHOLS,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
FEDERAL BUREAU OF PRISONS,  
HARLEY LAPPIN,  
JANE DOE,  
MICHAEL NALLEY,  
MS. PERRY,  
RON WILEY,  
ROD BAUER,  
DR. LAWRENCE LEYBA, M.D.,  
DR. STEPHEN NAFZIGER, M.D.,  
N. GLADBACH,  
M.A. KELLAR,  
M. SCHAPPAUGH,  
D. SCHIEFELBEIN,  
UNKNOWN ADX STAFF ACTORS,  
MR. JONES (DERRICK),  
DARRON GALL, and  
KEITH POWLEY,  
Defendants.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action comes before the court on "Plaintiff's Motion for Leave to Supplement Plaintiff's Pleadings, Motions and Briefs as Each Being Verified" (filed July 8, 2009 ) (doc. # 45). Pursuant to the Order of Reference dated April 28, 2009 (doc. # 17) and the memorandum dated July 9, 2009 (doc. # 47), this matter was referred to the Magistrate Judge. The court has reviewed the matter, the entire case file, and the

applicable law and is sufficiently advised in the premises.

Pursuant to Fed. R. Civ. P. 15(d), Mr. Nichols asks the court to treat as verified all of his previous and future filings. First, the "Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915" and the "Prisoner Complaint" have already been verified. (See doc. # 1 at p. 3 of 8; doc. # 2 at p. 36 of 39). Second, Rule 15 applies to "pleadings," as defined by Fed. R. Civ. P. 7. Mr. Nichols' motions and briefs are not "pleadings" and therefore cannot be supplemented pursuant to Rule 15. Statements and legal arguments made in motions or briefs are not evidence. Furthermore, the court cannot address unseen "future such documents to be filed by Plaintiff with the court." Accordingly,

IT IS ORDERED that "Plaintiff's Motion for Leave to Supplement Plaintiff's Pleadings, Motions and Briefs as Each Being Verified" (filed July 8, 2009 ) (doc. # 45) is DENIED.

DATED at Denver, Colorado this 9th day of July, 2009.

BY THE COURT:

s/ Craig B. Shaffer  
United States Magistrate Judge