

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00640-PAB-KLM

MARK EUGENE HOWARD,

Plaintiff,

v.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAS ANIMAS  
IN THE STATE OF COLORADO

LAS ANIMAS COUNTY SHERIFF [sic] OFFICE,  
LAS ANIMAS COUNTY SHERIFF JAMES R. CASIAS,  
LAS ANIMAS COUNTY UNDERSHERIFF DEREK NAVARETTE,  
LAS ANIMAS COUNTY OFFICE OF THE COUNTY ATTORNEY,  
MARY D. NEWMAN, Attorney,  
JESSIE MANZANARES, Attorney,  
TIMOTHY P. SCHIMBERG, Attorney,  
FOWLER, SCHIMBERG & FLANAGAN, P.C.,  
JONATHAN CROSS, Attorney,  
SEAN LANE, Attorney,  
CROSS and LANE, P.C., and  
COUNTY TECHNICAL SERVICES INC.,

Defendant(s).

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's: (1) **Motion for Request of Time Extension to Reply to Senter, Goldfarb and Rice F.R.C.P. 12(b) Motion to Dismiss** [Docket No. 79; Filed October 6, 2009] ("Motion No. 79"); (2) **Motion for Reasonable Accomodation [sic] in Personal Appearance Hearings** [Docket No. 80; Filed October 6, 2009] ("Motion No. 80"); and (3) **Petition to Participate in Hearings by Telephone** [Docket No. 81; Filed October 6, 2009] ("Motion No. 81").

IT IS HEREBY **ORDERED** that Motion No. 79 is **DENIED as moot**. Motion No. 79 appears to be a verbatim copy of a motion filed by Plaintiff on October 5, 2009 [Docket No. 79]. That motion has already been granted [Docket No. 78] and a new briefing schedule set. As noted in the Court's prior Order, Plaintiff shall file his response to Defendant CTSI's Motion to Dismiss [#57] on or before **October 26, 2009**. Defendant CTSI's reply, if any, shall be filed no later than **November 13, 2009**. **In the future, duplicative or redundant pleadings shall be stricken pursuant to D.C. Colo. L. Civ. R. 7.1(H)**.

IT IS HEREBY **ORDERED** that Motion No. 80 is **GRANTED**. As a preliminary matter, the Court notes that any party may request accommodations for disabilities without seeking leave of Court. See D.C. Colo. L. Civ. R. 43.2. Although Plaintiff did not need to file a motion to address this issue, the Court agrees that accommodation should be made and makes the following ruling. At all future hearings before this Court, Plaintiff shall be provided a headset to assist him in hearing the proceedings. **In the future, if Plaintiff seeks additional accommodations, he shall follow the requirements of Local Rule 43.2.**

IT IS HEREBY **ORDERED** that Motion No. 81 is **DENIED**. First, it is not the Court's practice to grant *pro se* parties leave to appear telephonically at the Scheduling Conference due to the large amount of information discussed and the Court's desire to convey that information in person. Second, Plaintiff is a voluntary litigant in a lawsuit he initiated in this Court. To the extent that he seeks leave to appear telephonically at every future hearing, the Court notes that he must make every effort to participate in the litigation of his case despite the alleged inconvenience it causes him. Third, given the accommodation provided to Plaintiff via the provision of a headset, appearance by telephone to assist Plaintiff due

to his disability is no longer necessary.

Finally, the Court notes that Plaintiff has filed several pleadings on the record which may seek Court assistance, but which were not titled as motions. All requests for relief must be titled as motions pursuant to Fed. R. Civ. P. 7(b). The Court does not rule on or consider letters or other pleadings which do not correspond to pending motions or prior Court rulings. In addition, Plaintiff is reminded of his obligation to comply with D.C. Colo. L. Civ. R. 7.1(A) and include a certification that he conferred with opposing counsel prior to filing a motion. **Future motions which do not comply will be denied.**

Dated: October 7, 2009