

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-00983-WYD-KLM

WELLMAN E. GIBSON,

Plaintiff,

v.

ANNA MARIE CAMPBELL,
C. HOLST, AIC,
SHIRLEY STEINBECK,
MARSHALL GRIFFITH,
LT. STEINBECK, and
DOCTOR ASSEN,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Request To Be Told of Trial Since Settlement Conference Cancelled** [Docket No. 353; January 11, 2013] ("Motion"). Plaintiff filed the Motion *pro se* even though he is represented by counsel. A represented party may not appear or act in his own behalf. See 28 U.S.C. § 1653 (stating that in all United States courts a party may plead and conduct his own case *or* through counsel) (emphasis added); *McCullough v. Velez*, 364 F.3d 1, 5 (1st Cir. 2004) (holding that "[a] party has a right to represent himself or to be represented by an attorney, but he cannot have it both ways." Because Plaintiff is represented by counsel, he is not permitted to submit *pro se* filings. Accordingly,

IT IS HEREBY ORDERED that the Motion [#353] is **STRICKEN**.

Dated: January 14, 2013