

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01039-REB-KLM

JOHN DICKSON,

Plaintiff,

v.

WALMART STORES, INC.,

Defendant(s).

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on a pleading filed by Plaintiff, *pro se*, purporting to request the Court's assistance with obtaining discovery in this matter [Docket No. 15; Filed July 5, 2009] (the "Request").

As a preliminary matter, the Court identifies several deficiencies with Plaintiff's pleading. First, the Request does not contain a certificate that it has been served on the opposing parties as required by Fed. R. Civ. P. 5(d). Second, pursuant to D.C. Colo. L. Civ. R. 7.1(C) & 77.2, all requests for relief must be made by motion. The Court does not respond to letters or untitled pleadings. Third, the Request does not comply with Plaintiff's duty to certify conferral with the opposing party as required by D.C. Colo. L. Civ. R. 7.1(A). Fourth, pursuant to Fed. R. Civ. P. 26(d)(1), a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). Fifth, the Request does not comply with D.C. Colo. L. Civ. R. 10.1 in that it does not contain a case caption and is not double spaced. Any of the defects set forth above would justify denial of the Request and will result in summary denial of any future request for relief.

IT IS HEREBY **ORDERED** that the Request is **DENIED**. After the commencement of discovery, Plaintiff's discovery requests must be propounded on Defendant, not the Court. In advance of the Scheduling Conference, the Court attaches a copy of the letter I provide to all *pro se* parties to give further guidance to Plaintiff regarding how to proceed in this Court.

Dated: July 7, 2009

BY THE COURT:

/s Kristen L. Mix

United States Magistrate Judge