

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01074-ZLW-MEH

QUDSIA QURAISHI, Ph.D.,

Plaintiff,

v.

CARLOS M. GUTIERREZ, Secretary, Department of Commerce,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on November 20, 2009.

Plaintiff's Motion to Modify [[filed November 17, 2009; docket #20](#)] is **denied**. The Plaintiff seeks modification of the date of the filing of her Complaint "to be consistent with [the Court's] having received [her] document." She claims that she called the Clerk of Court in April 2009 to confirm receipt of her Complaint, but the Clerk stated concerns about the check she had drafted for the filing fee, so the Clerk accepted her credit card and file-stamped her Complaint on the date the credit card was charged for the filing fee.¹ According to the record in this case, the receipt for the filing fee reflects that a credit card was charged on May 8, 2009, the same date this action was initiated.

Pursuant to D.C. Colo. LCivR 3.3A,

The clerk shall require payment of a filing fee before a civil action, suit, or proceeding is filed. When a pleading is received for filing without the required fee, the clerk shall notify the filing party that the pleadings will be held and not accepted for filing until the required fee is received or an order allowing the party to proceed *in forma pauperis* is entered. When the filing fee or order is received, the clerk shall file the pleading.

Because it is clear that the Clerk of Court complied with Rule 3.3A in this case, the proper filing date of this action is May 8, 2009. Therefore, the Court finds no basis upon which to modify the date.

¹The Court notes that the record contains a letter from the Plaintiff dated April 23, 2009, regarding the filing of her lawsuit; however, the postmark on the accompanying envelope is May 27, 2009. Docket #3. In addition, the Court notes that the original filing was not in the form of a Complaint and named no defendants nor claims for relief; therefore, it was necessary to order the Plaintiff to file an "amended" Complaint using this Court's approved form. *See* docket #5.