

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01427-BNB

LEE B. JOHNSON,

Plaintiff,

v.

MARILA J. KEELING, MD., PSY D,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 30 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCY

Plaintiff, Lee B. Johnson, has filed *pro se* on November 23, 2009, a third amended complaint in this action. However, the third amended complaint filed on November 23 is not signed. Pursuant to Rule 11(a) of the Federal Rules of Civil Procedure, “[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Furthermore, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” Fed. R. Civ. P. 11(a). Therefore, Mr. Johnson will be ordered to file a signed third amended complaint if he wishes to pursue his claims in this action.

The court also notes that pages 5-10 of the third amended complaint are confusing and do not follow logically from the clearly asserted allegations in the first four pages of the third amended complaint. At a minimum, the allegations contained in pages 5-10 are not in order. Therefore, Mr. Johnson should take care to ensure that the signed third amended complaint he submits in response to this order is complete

and that all of the allegations and pages are in proper order and comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure as he has been directed previously. Accordingly, it is

ORDERED that Mr. Johnson cure the deficiency in this action **within thirty (30) days from the date of this order** by filing a signed third amended complaint. It is

FURTHER ORDERED that if Mr. Johnson fails to cure the deficiency within the time allowed, the action will be dismissed without further notice.

DATED November 30, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-01427-BNB

Lee B. Johnson
1201 Clarkson St. Apt. 103
P.O. Box 18633
Denver, CO 80218

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 11/20/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk