

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02299-MSK-CBS

THOMAS HOWELL,
Plaintiff,

v.

CENTRIC GROUP, LLC, and
SCENTOILS.COM, INC.,
Defendants.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff Mr. Howell's "Motion for Court Order to Have Copies of Motions Served Electronically or Certified Mail upon both Defendants at Court Expense" (filed October 13, 2011) (Doc. # 134). Pursuant to the Order of Reference dated October 22, 2009 (Doc. # 8) and the memorandum dated October 14, 2011 (Doc. # 137), this matter was referred to the Magistrate Judge. The court has reviewed the matter, the entire case file, and the applicable law and is sufficiently advised in the premises.

Mr. Howell asks the court to serve either by mail or by electronic means copies of "Plaintiff's Motion for Summary Judgment" (Doc. # 135) and "Plaintiff's Response to Defendants Scentoils.com, Inc.'s Summary Judgment Motion" (Doc. # 136) on Defendants because he has been unable to obtain copies from the prison. On this one occasion, the court will require Defendants to access their copies of "Plaintiff's Motion for Summary Judgment" (Doc. # 135) and "Plaintiff's Response to Defendants

Scentoils.com, Inc.'s Summary Judgment Motion" (Doc. # 136) through the court's filing system. However, from this date forward, Mr. Howell is required to comply with Fed. R. Civ. P. 5(a) and (b) by serving by mail on Defendants' counsel copies of all papers that Mr. Howell files with the court, including an appropriate certificate of service.

Accordingly, IT IS ORDERED that:

1. Plaintiff's "Motion for Court Order to Have Copies of Motions Served Electronically or Certified Mail upon both Defendants at Court Expense" (filed October 13, 2011) (Doc. # 134) is GRANTED in part and DENIED in part.

2. Defendants shall access their copies of "Plaintiff's Motion for Summary Judgment" (Doc. # 135) and "Plaintiff's Response to Defendants Scentoils.com, Inc.'s Summary Judgment Motion" (Doc. # 136) through the court's filing system and this access shall be treated as adequate service for purposes of Fed. R. Civ. P. 5. See Fed. R. Civ. P. 5(b)(3); D.C. COLO. LCivR 5.2.

3. In light of the court's ruling on Doc. # 134, Plaintiff's "Motion for Waiver of Copy Fees" (filed October 13, 2011) (Doc. # 133) is DENIED as moot.

DATED at Denver, Colorado this 17th day of October, 2011.

BY THE COURT:

s/ Craig B. Shaffer
United States Magistrate Judge