

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Case No. 10-cv-00483-REB-BNB

CHRIS TILLOTSON,

Plaintiff,

v.

SGT. T. J. McCEARY, Sheridan Police,

Defendant.

ORDER

This matter is before me on two letters filed by the plaintiff [Doc. #22, filed 04/28/2010 and Doc. #24, filed 05/04/2010]. The relief requested in the letters is GRANTED IN PART and DENIED IN PART.

As a preliminary matter, on April 8, 2010, I advised the plaintiff that he could not make requests to the court by filing letters and that all filings made in this court must contain the case caption [Doc. #17]. I ordered him to submit all future requests in the form of a motion in compliance with Rule 7, Fed. R. Civ. P. My order notwithstanding, the plaintiff is currently seeking relief from the court in the form of letters, not motions. The plaintiff is directed to cease filing letters with the court. All requests for court orders shall be filed as motions. All motions and other papers filed with this court shall contain the case caption. Papers that are not filed in compliance with Rule 7 and this order will be stricken.

The plaintiff filed his Prisoner Complaint [Doc. #3] (the “Complaint”) on March 2, 2010. He names Sgt. T. J. McCearry, a Sheridan Police Officer, as the sole defendant. *Complaint*, at Caption and p. 2, ¶ 2.

On March 31, 2010, the district judge ordered the United States Marshal to effect service on the defendant [Doc. #11] at the address provided by the plaintiff: “Sheridan Police Dep., 4101 S. Federal Blvd.” *Id.* at p. 2, ¶ 2. The Marshal was unable to serve Sgt. T. J. McCearry because “[a]ccording to Sheridan Police Department, there is no Sgt. ‘T.J. McCreary’ that has ever worked at Sheridan PD.” *Process Receipt and Return* [Doc. #19]. The Marshal noted that the “Sheridan PD once employed a ‘T.J. McCoy.’ However, he is no longer employed with Sheridan PD.” No forwarding address was provided for T.J. McCoy.

As a result of these events, I ordered the plaintiff to show cause why the Complaint should not be dismissed for failure to prosecute [Doc. #21]. On April 28, 2010, the plaintiff filed a letter which states the following:¹

Dear honorable Judge Boyd N. Boland I would like to motion for relief of 500.000.000 in my case against T. J. McCoy for defamation of character acusing me of a crime I did not commit and for his use of excessive force against me I was leasing a apartment at the same location the incedent took place so I had the right to be there I would also like my charge’s to be dropped because I did not commit any crime

case number 07-cr-2358

Doc. #22.

On May 4, 2010, the plaintiff filed another letter stating:

¹I have quoted the plaintiff’s filings as written, without correction or acknowledgment of error.

Dear Judge Boyd Boland I am writing to ask for extension on my case, case no. 10-cv-00483-REB-BNB while I obtain legal counsel could I please get a 30 day extension

Doc. #24.

It appears that the plaintiff is seeking to substitute T.J. McCoy as a defendant in place of Sgt. T. J. McCearry. This request is granted. To the extent the plaintiff is seeking an “extension on [his] case” to obtain counsel, the request is denied. However, the plaintiff is granted an extension of time until May 19, 2010, to provide the court with the current address of T. J. McCoy, so that the Marshal may serve Mr. McCoy. Failure to provide the current address of T. J. McCoy on or before May 19, 2010, will result in my recommendation that the Complaint be dismissed for failure to prosecute. See D.C.COLO.LCivR 41.1.

IT IS ORDERED that T. J. McCoy shall be substituted for defendant Sgt. T. J. McCearry as the defendant in this case.

IT IS FURTHER ORDERED that on or before **May 19, 2010**, the plaintiff shall provide the court with an address at which to serve T. J. McCoy. Failure to do so will result in my recommendation that the Complaint be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that in the future, all papers filed with this court shall comply with Rule 7. Papers that do not comply with Rule 7 will be stricken.

Dated May 6, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge