

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.

T. J. McCOY,

Defendant.

ORDER

This matter arises on several letters and an “incident report” filed by the plaintiff [Doc. ## 80, 81, 82, 84, 85, 86, 88, 89, and 91] (the “Papers”). The Papers are STRICKEN, and the plaintiff is ordered to cease filing any further papers in this case.

The plaintiff initiated this case on February 23, 2010. The United States Marshal attempted to serve the defendant at two separate addresses provided by the plaintiff. Both attempts were unsuccessful because the addresses were incorrect. Consequently, I ordered the plaintiff to show cause why the Complaint should not be dismissed for failure to prosecute. The plaintiff failed to show cause, and on October 5, 2010, I recommended that the Complaint be dismissed without prejudice for failure to prosecute [Doc. #58]. On November 19, 2010, the district judge adopted my recommendation and dismissed the Complaint without prejudice for failure to effect timely service of process and failure to prosecute [Doc. #71]. Since then, the plaintiff has inundated the court with requests to reopen the case. None of the requests address

the plaintiff's failure to prosecute and failure to serve the defendant, nor do they provide any basis for reopening the case.

In addition, although I have repeatedly ordered the plaintiff to file requests to the court in the form of a motion, the requests are submitted in the form of letters. 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. The plaintiff subsequently filed two letters requesting relief from the court [Docs. ##22 and 24].

On May 6, 2010, I again directed the plaintiff to cease filing letters with the court [Doc. #26], and I informed him that “[a]ll requests for court orders shall be filed as motions. All motions and other papers filed with this court shall contain the case caption.” I cautioned the plaintiff that “[p]apers that are not filed in compliance with Rule 7 and this order will be stricken.” On May 14, 2010, the plaintiff filed a letter seeking relief from the court [Doc. #29]. The letter was stricken on May 18, 2010 [Doc. #32]. On July 13, 2010, the plaintiff filed another letter seeking relief from the court [Doc. #36]. This letter was stricken on July 16, 2010 [Doc. #38]. My orders notwithstanding, the plaintiff filed two additional letters on August 28, 2012, and October 17, 2012 [Docs. ## 75 and 77]. The letters were stricken on December 12, 2012 [Doc. #79].

Undaunted, the plaintiff has filed an “incident report” and 8 letters addressed to the district judge or me. None of the Papers concern the plaintiff's failure to prosecute and failure to serve the defendant. One of the letters [Doc. #82] states that the plaintiff “found Officer T J McCoy working in Elbert County and I needed to know from you what you needed my to do to

re-open my case against him. . . . I am also needing to know if I need to pay a filing fee and or fill out another prisoner's complaint packet.”

The plaintiff has not provided a basis for re-opening this case, and the case will not be re-opened. The plaintiff may initiate a separate action against Officer McCoy by filing another complaint, but he may not file any more papers in this case.

IT IS ORDERED:

- (1) The Papers [Doc. ## 80, 81, 82, 84, 85, 86, 88, 89, and 91] are STRICKEN;
- (2) The plaintiff shall cease filing papers in this case; and
- (3) Failure to comply with this order may result in the imposition of filing and monetary sanctions.

Dated April 25, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge