

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

Civil Action No. 10-cv-00714-MSK-BNB

LISA HYLAND-RIGGS,

Plaintiff,

v.

DAVID MICHAUD, Colorado Parole Board,
MARY CARLSON, Department of Corrections Time Comp,
JEANEENE MILLER, Director Colorado Department of Parole,
MS. DEAL, an individual,
MS. DURAN, Department of Corrections Case Manager II,

Defendants.

ORDER

This matter arises on several letters filed by the plaintiff [Docs. #25, #49, #55 and #57] (the “Letters”). The Letters are inappropriate for several reasons, and they are STRICKEN.

The Letters are addressed to me. The plaintiff does not certify that copies of the Letters were served on the other parties or their attorneys. The local rules of this Court prohibit ex parte communication with judicial officers:

In the absence of previous authorization, no attorney or party to any proceeding shall send letters, pleadings or other papers or copies directly to a judicial officer. Unless otherwise instructed, all matters to be called to a judicial officer’s attention shall be submitted through the clerk, with copies served on all other parties or their attorneys.

D.C.COLO.LCivR 77.2.

Copies of papers filed in this court must be served on counsel for all other parties (or directly on any party acting *pro se*) in compliance with Fed. R. Civ. P. 5. Rule 5 provides that

all pleadings filed after the original complaint and all written motions, notices, demands, or any similar paper must be served on every party. Fed. R. Civ. P. 5(a). “If a party is represented by an attorney, service under this rule must be made on the attorney” Fed. R. Civ. P. 5(b). Service upon other parties may be by mail. Id. Proof that service has been made is provided by a certificate of service. Id. at 5(d). This certificate should be filed along with the original papers and should show the day and manner of service. Id.

All of the Letters seek relief from the court. “[A] request for a court order must be made by motion.” Fed. R. Civ. P. 7(b)(1). The plaintiff may not seek a court order through letters. All requests must be made in the form of a motion, and the request must be titled as a motion.

IT IS ORDERED:

- (1) The Letters are STRICKEN;
- (2) All future applications to the court for relief shall be submitted in the form of a motion in compliance with Rule 7;
- (3) All papers shall be served on counsel for the defendants in accordance with Rule 5 and shall be accompanied by a proper Certificate of Service;
- (4) Failure to comply with this order may result in sanctions, including dismissal of this case.

Dated April 7, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge