

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-01058-PAB

ROY J. MAIN,

Applicant,

v.

WARDEN PLUGH,

Respondent.

ORDER

This matter is before the Court on the motion for clarification [Docket No. 30] and inmate trust fund account statement [Docket No. 31] filed by non-party Patrick Brenner. Final judgment entered in this matter on June 15, 2011. In his motion, Mr. Brenner refers to himself as the plaintiff but requests clarification of the Court's resolution of applicant Roy J. Main's application for a writ of habeas corpus. Mr. Brenner was never a party to this action and, there being no indication that he is an attorney seeking to represent plaintiff, he may not file pleadings in this case. See 28 U.S.C. § 1654 ("In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."); see *also* D.C.COLO.LCivR 11.1(A) ("Only pro se individual parties and members of this court's bar may appear or sign pleadings, motions, or other papers."). Therefore, the Court will strike Mr. Brenner's filings.

In his motion, Mr. Brenner also seeks declaratory relief. To initiate a new action,

however, plaintiff must comply with D.C.COLO.LCivR 8.2.

For the foregoing reasons, it is

ORDERED that the motion for clarification [Docket No. 30] and inmate trust fund account statement [Docket No. 31] filed by non-party Patrick Brenner are STRICKEN. The Clerk of the Court shall mail a copy of this Order to Mr. Patrick Brenner, # 66893, Colorado Territorial Correctional Facility, P.O. Box 1010, Cañon City, Colorado, 81215-1010.

DATED August 31, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge