

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01502-WYD-MEH

SHERRON LEWIS JR.,

Plaintiff,

v.

JP MORGAN CHASE BANK N.A.,

Defendant.

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MINUTE ORDER

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Entered by Michael E. Hegarty, United States Magistrate Judge, on July 23, 2010.

Plaintiff's Amended Petition for Order to Show Cause Pursuant to C.R.S. § 38-35-204 [filed July 19, 2010; docket #8] is **denied without prejudice**. Apparently, in an attempt to comply with this Court's July 12, 2010 order, the Plaintiff filed the present "amended petition" containing some elements of a complaint typically required to initiate an action in this Court. However, it is clear that the Plaintiff did not follow the Court's repeated instructions to seek assistance from the Clerk of Court for properly initiating an action in accordance with Fed. R. Civ. P. 3.

Pursuant to D.C. Colo. LCivR 8.1A, the Court orders the Plaintiff to file a Complaint in the format established by this Court to file an action. The Clerk of the Court is directed to deliver to the Plaintiff a copy of a form Complaint along with a copy of this minute order. If the Plaintiff wishes to do so, he may file both the Complaint and an Amended Petition, should he desire to amend the petition currently pending before the Court.<sup>1</sup>

Accordingly, the Court orders that, **on or before August 6, 2010**, the Plaintiff shall file a Complaint in the form provided by this Court and in accordance with federal and local rules. In such Complaint, the Plaintiff shall specify whether he asserts this Court's jurisdiction to hear the matter pursuant to 28 U.S.C. § 1331 or § 1332, or both, and specify whether he brings his claims under federal and/or state law.<sup>2</sup>

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<sup>1</sup>The Court notes that the original Petition for Order to Show Cause Pursuant to C.R.S. § 38-35-204 remains pending before the Court. *See* docket #1. Due to its content, it is unclear in the present "amended petition" whether the Plaintiff is attempting to amend the original petition.

<sup>2</sup>It is unclear in the present "amended petition" whether the Plaintiff asserts federal question jurisdiction pursuant to 28 U.S.C. § 1331 or diversity jurisdiction pursuant to 28 U.S.C. § 1332, or both.

If the Plaintiff fails to file a Complaint in accordance with this order, the Court will recommend that the case be dismissed without prejudice for failure to prosecute the action.