

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00200-PAB-MEH

JOE BROWN,

Plaintiff,

v.

MR. HENDRICKS, and
MR. SHORTER,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 29, 2011.

Defendant's Motion to Strike Amended Complaint [filed September 28, 2011; docket #38] is **granted in part and denied in part**. First, the Court notes that Plaintiff failed to file a motion seeking leave to amend his complaint as required by this Court's August 8, 2011 order. Second, Plaintiff failed to sign the tendered amended complaint in contravention of Fed. R. Civ. P. 11. As for Exhibit F, the Court agrees with the Defendants that such document is unnecessary if duplicative of allegations made in the Amended Complaint, but the Court will allow the Plaintiff to file an affidavit attached to the pleading if appropriate.

Therefore, the Court orders that Plaintiff's tendered amended complaint, found at docket #33, is **stricken**. However, the Court will allow the Plaintiff to file a motion seeking leave to amend his complaint, and attach to the motion a proposed Amended Complaint that is signed and in compliance with all federal and local rules, **on or before October 14, 2011**.

If Plaintiff fails to comply with this order, the Court may recommend that his case be dismissed for failure to comply and failure to prosecute this action.