

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 07 2011

GREGORY C. LANGHAM
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01432-BNB

(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)

PAT'S CONSTRUCTION SERVICE, INC.,
PATRICK D. McSKIMMINGS, and
LINDA N. JOHNSON,

Plaintiffs,

v.

THE STATE OF COLORADO,
HOMESTEAD SERVICES, INC.,
DOUGLAS COUNTY PUBLIC TRUSTEE'S OFFICE, COLORADO,
DOUGLAS COUNTY SHERIFF'S DEPARTMENT, COLORADO,
DEUTSCHE BANK NATIONAL TRUST COMPANY,
CASTLE MEINHOLD & STAWLARSKI, P.C.,
COUNTY ATTORNEY, DOUGLAS COUNTY COLORADO,
ASH AND WHITE CONSTRUCTION CO.,
MILESTONE ENGINEERING LLC,
BASELINE ENGINEERING CORP., COLORADO,
CCS CONSULTANTS, INC.,
BCA GROUP,
COLORADO ASPHALT SERVICES, INC., COLORADO,
DENVER PUBLIC SCHOOL DISTRICT NUMBER 1, COLORADO,
THE ABO GROUP, INC.,
SEAMAN, MURPHY & CHAMBERS, P.C.,
DENVER SERIES OF LOCKTON COMPANIES, LLC,
JEFFERSON COUNTY SCHOOL DISTRICT R-1, COLORADO,
SIGNET CREST, INC.,
INSURANCE COMPANY OF THE WEST,
HUTTON FORD ARCHITECTS, P.C.,
ALLAN FORD ARCHITECTS, P.C.
HOPP LAW FIRM, LLC,
HISPANIC CONTRACTORS OF COLORADO,
CORPORATE CREATIONS NETWORK INC.,
MINDY A. MAGUIRE,
DONALD MAGUIRE,
JOHN WINTER, and/or DBA JOHN DOE, and
MR. DAVID CHAD JOHNSON,

Defendants.

ORDER DIRECTING PLAINTIFFS TO CURE DEFICIENCY

Plaintiffs have submitted a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 for each plaintiff. As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the submitted documents are deficient as described in this order. Plaintiffs will be directed to cure the following if they wish to pursue their claims. Any papers which the Plaintiffs files in response to this order must include the civil action number on this order. The Court notes that Mr. McSkimmings and Ms. Johnson appear to be self-employed and that their company, Pat's Construction Service Inc., is listed on the complaint as an additional Plaintiff. However, Pat's Construction Service Inc. may not represent itself *pro se*. "[A] corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing *pro se*." *Harrison v. Wahatoyas, L.L.C.*, 253 F.3d 552, 556-57 (10th Cir. 2001). "The rule is well-established that a corporation can appear in a court of record only by an attorney at law." *Flora Constr. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962). Therefore, Mr. McSkimmings and Ms. Johnson will be directed to file a Complaint that does not list Pat's Construction Service Inc. as a party to this action.

Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) ___ is not submitted
- (2) ___ is not on proper form (must use the court's current form)
- (3) ___ is missing original signature by Plaintiffs
- (4) ___ is missing affidavit

- (5) ___ affidavit is incomplete
- (6) ___ affidavit is not notarized or is not properly notarized
- (7) ___ names in caption do not match names in caption of complaint, petition or application
- (8) ___ An original and a copy have not been received by the court. Only an original has been received.
- (9) ___ other _____

Complaint or Petition:

- (10) ___ is not submitted
- (11) ___ is not on proper form (must use the court's current form)
- (12) ___ is missing an original signature by the Plaintiffs
- (13) ___ is incomplete
- (14) ___ uses et al. instead of listing all parties in caption
- (15) ___ An original and a copy have not been received by the court. Only an original has been received.
- (16) ___ Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17) ___ names in caption do not match names in text
- (18) X other: **Plaintiffs are directed to file a Complaint that does not list Pat's Construction Service Inc. as a party to this action, as set forth above.**

Accordingly, it is

ORDERED that the Plaintiffs cure the deficiencies designated above **within thirty (30) days from the date of this order.** Any papers which the Plaintiffs files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that the clerk of the court mail to the Plaintiffs, together with a copy of this order, copies of the following form: Complaint. It is

FURTHER ORDERED that, if the Plaintiffs fails to cure the designated deficiencies **within thirty (30) days from the date of this order,** the complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED June 7, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01432-BNB

Patrick D McSkimmings and
Linda N Johnson
PO Box 499
Larkspur, CO 80118

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint form** to the above-named individuals on June 7, 2011.

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk