

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01459-CMA-KLM

LORAL HUFFMAN,

Plaintiff,

v.

DR. ALLRED,
DR. CARTER,
SANCHEZ, Case Manager,
DERR, Unit Manager,
JOHN DOE, Mailroom Supervisor,
JANE DOE, Food Supervisor,
BUCKNER, Investigator,
LINCOLN, D.H.O., and
CRANK, Trust Manager,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on a letter from Plaintiff docketed as a motion by the Clerk's Office [Docket No. 104; Filed November 14, 2011] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **GRANTED IN PART, DENIED IN PART**, and **DENIED WITHOUT PREJUDICE IN PART** as set forth below.

Plaintiff asks the Court to serve copies of Plaintiff's mail on the United States Attorneys' Office. First, Plaintiff's mail is clearly being sent out of the prison, as evidenced by Plaintiff's prolific filings on the docket in this matter. Second, the Court is not responsible for ensuring the service of Plaintiff's filings on Defendants. It is Plaintiff's responsibility to comply with the same federal and local rules of civil procedure that govern all litigants, including the rules governing service of filings. *Nielson v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994). This request is **DENIED**.

Plaintiff's request to correct Defendant Lincoln's title on the caption is **GRANTED**. The case caption of this lawsuit is amended to replace Defendant Lincoln, D.H.D. with Defendant Lincoln, D.H.O.

Plaintiff's request to identify the Jane Doe Defendant (referred to as a "Food Supervisor") as Mrs. Hutchins is **DENIED WITHOUT PREJUDICE**. The substitution of a named defendant for a previously unknown defendant amounts to adding a new party. *Garrett v. Fleming*, 362 F.3d 692, 696 (10th Cir. 2004). Thus, Plaintiff must submit this request pursuant to Fed. R. Civ. P. 15(a). If Plaintiff is seeking leave to file a Second Amended Complaint, he must file a motion which complies with the federal and local rules and which includes the proposed Second Amended Complaint as a document separate from the motion. Plaintiff is warned that the proposed Second Amended Complaint must not contain any previously dismissed claims or defendants. Any proposed Second Amended Complaint which does not comply with this Minute Order will be summarily stricken.

The Court notes that Plaintiff's Amended Prisoner Complaint [Docket No. 70; Filed October 27, 2011] is the presently governing pleading.

IT IS FURTHER ORDERED that **any filing submitted to the Court by Plaintiff seeking relief must be titled as a motion and must clearly state the requested relief**. Plaintiff has demonstrated his ability to file a motion, as well as his ability to submit numerous requests for relief to the Court. Any future filing not complying with this instruction will be summarily stricken or simply ignored. See D.C.COLO.LCivR 7.1C. ("A motion shall be made in a separate paper."); D.C.COLO.LCivR 7.1H. ("A verbose, redundant, ungrammatical, or unintelligible motion, response, or reply may be stricken or returned for revision, and its filing may be grounds for imposing sanctions.").

Dated: November 15, 2011