

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

Civil Action No. 11-cv-02438-PAB-BNB

ALVIN MOSCH,
PATRICIA C. MOSCH,
DAVID K. MOSCH,
Each Individually and dba Mosch Mining Company,

Plaintiffs,

v.

JOHN HENRY, aka John T. Henry, aka John L. Henry,
UNITED STATES REAL ESTATE CORPORATION, and
any one claiming by or through any of the named persons,

Defendants.

ORDER

This matter is before the Court on a document [Docket No. 102] filed by defendant John Henry. The Court construes the document to be a motion to dismiss and request for default judgment against all plaintiffs. See Docket No. 102 at 3.

The filing lacks a proper caption. See Fed. R. Civ. P. 10(a); D.C.COLO.LCivR 10.1J (“The caption format shall be as set forth in Appendix E.”); see *also* Fed. R. Civ. P. 7(b)(2) (“The rules governing captions and other matters of form in pleadings apply to motions and other papers.”); Fed. R. Civ. P. 10(a) (requiring that all pleadings have, *inter alia*, a title). Mr. Henry’s motion also lacks a proper signature block, see Fed. R. Civ. P. 11(a); D.C.COLO.LCivR 10.1K, and is not entirely legible. See D.C.COLO.LCivR 10.1G (“All papers and signatures shall be legible.”). Consequently, the Court will strike the motion.

On August 28, 2012, the Court struck a previous filing by Mr. Henry for these and other reasons. See Docket No. 98. Furthermore, in both that order and an August 27, 2012 order, the Court noted that many of Mr. Henry's previous filings in this case violated the Local Rules of this District. If Mr. Henry persists in violating the applicable rules and the Court's orders, the Court may consider whether, in addition to striking non-compliant filings, additional sanctions against Mr. Henry might be in order.

Although the Local Rules do not require filings to be typewritten in "pro se cases," see D.C.COLO.LCivR 10.1D, the Court will order Mr. Henry to show cause why his future filings should not be typewritten due to Mr. Henry's repeated filing of illegible handwritten documents and the fact that he is capable of submitting typewritten documents. See, e.g., Docket No. 97.

For the foregoing reasons, it is

ORDERED that Mr. Henry's motion to dismiss and for default judgment against plaintiffs [Docket No. 102] is STRICKEN. Future violations of the applicable rules may subject Mr. Henry to additional sanctions. It is further

ORDERED that, on or before **September 19, 2012**, Mr. Henry shall show cause why his future filings should not be typewritten.

DATED September 5, 2012.

BY THE COURT:

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