

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 documents filed by defendant John Henry entitled "Response to the Order to Show Cause Why My Future Filings Should not be Typewritten" [Docket No. 106], "Attorney J. Charles Shelton's Letter Filed in Rebuttal and Response to Richard L. Garnett's Scathing Letter to John Henry" [Docket No. 107], "Personal Letter of Pleading from Richard L. Garnett" [Docket No. 108], and "Sean W. Doyle's Draft of Verified Complaint" [Docket No. 109] filed by defendant John Henry.

On September 5, 2012, the Court ordered Mr. Henry to show cause why his future filings should not be typewritten. See Docket No. 104 at 2. Mr. Henry represents that he does not have a computer or typewriter. Furthermore, the Court notes that Mr. Henry has written the present filings in legible print. Therefore, the Court will discharge the September 5 order to show cause.

In regard to Mr. Henry's three other filings, see Docket Nos. 107, 108, 109, the Court has previously advised Mr. Henry that "this court is not a repository for discovery." Docket No. 98 at 2 (quoting *De Van Daniel v. Padilla*, 2009 WL 1705614, at *1 (E.D. Cal. June 17, 2009)); see also *Chavez v. Allied Interstate*, 2012 WL 2839800, at *6 (E.D. Cal. July 10, 2012) ("Originals or copies of evidence are properly submitted when the course of the litigation brings the evidence into question (as upon a summary judgment motion, at trial, or upon the Court's request)."). The Court further instructed Mr. Henry that his "future filings must, in both form and substance, provide the Court with a basis to determine what purpose they serve in this litigation." Docket No. 98 at 2. Mr. Henry's filings violate these instructions. Moreover, Mr. Henry, who is not admitted to the bar of this Court, purports to file the documents on behalf of defendant United States Real Estate Corporation in addition to himself. See Docket No. 107 at 2; Docket No. 108 at 2; Docket No. 109 at 1; see also Docket No. 106 at 1. "Only pro se individual parties and members of this court's bar may appear or sign pleadings, motions, or other papers." D.C.COLO.LCivR 11.1A. For these reasons, the filings will be stricken.¹

As a final note, the Court again advises Mr. Henry that, if he "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

¹The Court notes that the magistrate judge has scheduled an evidentiary hearing for September 27, 2012. See Docket No. 105. The magistrate judge instructed the parties on the pre-hearing procedures. See *id.* at 2; see, e.g., *id.* ("Copies of all exhibits must be submitted to my chambers (but not filed in the clerk's office) and provided to opposing counsel on or before September 24, 2012.") (emphasis omitted).

order.” Docket No. 104 at 2.

For the foregoing reasons, it is

ORDERED that the Court’s September 5, 2012 order to show cause [Docket No. 104] is DISCHARGED. It is further

ORDERED that the filings entitled “Attorney J. Charles Shelton’s Letter Filed in Rebuttal and Response to Richard L. Garnett’s Scathing Letter to John Henry” [Docket No. 107] and “Personal Letter of Pleading from Richard L. Garnett” [Docket No. 108], and “Sean W. Doyle’s Draft of Verified Complaint” [Docket No. 109] are STRICKEN.

DATED September 13, 2012.

BY THE COURT:

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