

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. 97] filed by defendant John Henry on August 30, 2012. By the Court's count, this is Mr. Henry's thirty-fifth filing since the issuance of the Recommendation of United States Magistrate Judge [Docket No. 59] on July 20, 2012. Most of these filings do not appear to be addressing any pending matter in the case or seeking any clearly articulated action by the Court. Furthermore, this is the latest filing by Mr. Henry that violates the Federal Rules of Civil Procedure and the Local Rules of this District. See Docket No. 95 at 2 (where the Court noted that "many, if not all of these documents, violate the Local Rules of this District"). For one, 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.”). Consequently, the Court cannot determine what type of document Mr. Henry is seeking to file. See, e.g., Fed. R. Civ. P. 10(a) (requiring that all pleadings have, *inter alia*, a title). Plaintiff’s filing also lacks a proper signature block. See Fed. R. Civ. P. 11(a); D.C.COLO.LCivR 10.1K. Furthermore, the typewritten document is not double-spaced. See D.C.COLO.LCivR 10.1E. Mr. Henry appears in this case pro se, and the Court therefore must liberally construe his filings. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). He is not free, however, to persistently ignore the Federal Rules of Civil Procedure and the Local Rules of this Court. See *United States v. Goodman*, 2012 WL 3155824, at *2 (D. Colo. Aug. 2, 2012) (“Pro se parties must ‘follow the same rules of procedure that govern other litigants.’”) (quoting *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994)).

Furthermore, “[p]laintiff is advised that this court is not a repository for discovery.” *De Van Daniel v. Padilla*, 2009 WL 1705614, at *1 (E.D. Cal. June 17, 2009). “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).” *Chavez v. Allied Interstate*, 2012 WL 2839800, at *6 (E.D. Cal. July 10, 2012). Mr. Henry’s future filings must, in both form and substance, provide the Court with a basis to determine what purpose they serve in this litigation.

For the foregoing reasons, it is

ORDERED that the document [Docket No. 97] filed by defendant John Henry on August 30, 2012 is STRICKEN.

DATED August 31, 2012.

BY THE COURT:

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