

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03253-CMA-MEH

DARLENE GAYNEL FOGLE, and  
RONALD JENNINGS FOGLE,

Plaintiffs,

v.

ARCHER THOMAS ELLIOTT, JR., sued in his individual capacity,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on May 4, 2012.**

Plaintiff's (sic) Motion for Summary Judgment [filed May 3, 2012; docket #46] is **denied without prejudice** and **stricken** for failure to comply with Judge Arguello's Practice Standards. Judge Arguello's Special Instructions Concerning Motions for Summary Judgment provides in part:

All motions for summary judgment must contain a "Statement of Undisputed Material Facts." This Statement shall set forth in simple, declarative sentences, which are separately numbered and paragraphed, each material fact which the movant believes is not in dispute and which supports movant's claim that movant is entitled to judgment as a matter of law. *Each separately numbered and paragraphed fact must be accompanied by a specific reference to material in the record which establishes that fact.*

CMA Civ. Prac. Stds. § III.G.4 (emphasis added). Although Plaintiffs' motion contains separately numbered and paragraphed facts, the vast majority of Plaintiffs' facts are not accompanied by citations to the record. In the absence of such citations, neither the Court nor opposing counsel can confirm the veracity of Plaintiffs' assertions.

Although the Court declines to reach the merits of the present motion, Plaintiffs may re-file the motion in compliance with Judge Arguello's Practice Standards, as well as all federal and local court rules.