

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-03365-RBJ-BNB

DANIEL BRENT MILLER,

Plaintiff,

v.

CORPERAL LUSK, Teller Sheriff,
DEPUTY BAST, Teller Sheriff,
DEPUTY ODELL, Teller Sheriff, and
DEPUTY MARTINEZ, Teller Sheriff,

Defendants.

ORDER

This matter is before me on the plaintiff's **Motion for Leave to Amend Prisoner Complaint and Answer to Defendant's** [sic] **Motion to Dismiss** [Doc. #25, filed 05/21/2012] (the "Motion"), which is DENIED without prejudice.

The defendants filed a motion to dismiss on April 27, 2012 [Doc. #18]. In his response to the motion to dismiss, the plaintiff requests leave to file an amended complaint. The proposed amended complaint is included in the text of his motion. The entire motion is single-spaced. The plaintiff's request is denied without prejudice, subject to compliance with this order.

The plaintiff may not move to amend his Complaint in a response to the defendants' motion to dismiss. Under the Local Rules of this court, "[a] motion shall not be included in a response or reply to the original motion. A motion shall be made in a separate paper."

D.C.COLO.LCivR 7.1C.

The plaintiff must attach to the motion his proposed amended complaint, which must be

on the court's form. "A pro se party shall use the forms established by this court to file an action." D.C.COLO.LCivR 8.1A. The plaintiff may not incorporate by reference his original Complaint into the proposed amended complaint. The proposed amended complaint must stand alone; it must contain all of the plaintiff's claims. Mink v. Suthers, 482 F.3d 1244, 1254 (10th Cir. 2007) (stating that "an amended complaint supercedes an original complaint and renders the original complaint without legal effect"). In addition, all typewritten papers shall be double-spaced. D.C.COLO.LCivR 10.1D.

IT IS ORDERED:

- (1) The Motion [Doc. # 25] is DENIED without prejudice;
- (2) Any future attempts to amend the Complaint shall comply with this order; and
- (3) The Clerk of the Court shall provide the plaintiff with a copy of the court's Prisoner Complaint form.

Dated May 29, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge