

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, and  
DEPUTY ODELL, Teller Sheriff,

Defendants.

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**ORDER**

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This matter arises on the plaintiff's **Motion Requesting an Order by the Courts Directing the Colorado Department of Corrections to Comply with Federal Access Requirements** [Doc. #91, filed 05/15/2013] (the "Motion"). The Motion is STRICKEN.

The plaintiff seeks an order directing officials at the Limon Correctional Facility ("LCF") to "come into compliance with federal guidelines concerning access to the courts."<sup>1</sup> The plaintiff does not certify that he served a copy of the Motion on counsel for the defendants. I recently ordered the plaintiff to serve all papers on counsel for the defendants in accordance with Rule 5, Fed. R. Civ. P., and to include a proper Certificate of Service on his papers [Doc. #53]. Rather than serving his Motion on counsel for the defendants, the plaintiff complains that officials at LCF will not make copies for him because he has insufficient funds in his account. He requests that the court make copies of his papers and serve them on counsel for defendant. However, it is

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<sup>1</sup>I note that the plaintiff is suing Teller County officials. Therefore, the court does not have jurisdiction over officials at the Limon Correctional Facility.

the plaintiff's responsibility to serve his papers on counsel for the defendant, even if he has to use carbon copies or handwritten duplicates.

IT IS ORDERED:

(1) The Motion Requesting an Order By the Courts Directing the Colorado Department of Corrections to Comply with Federal Access Requirements [Doc. #91] is STRICKEN;

(2) All papers shall be served on counsel for the defendants in accordance with Rule 5 and shall be accompanied by a proper Certificate of Service; and

(3) Failure to comply with this order will result in sanctions, including dismissal of this action with prejudice.

Dated May 29, 2013.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge