

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00901-MSK-BNB

JAMES RALPH DAWSON, JR.,

Plaintiff,

v.

PAUL AUDET,  
SUSAN AUDET, a.k.a. DEANNE AUDET,  
DONALD BRIGHTWELL,  
DINO WILLIAMS,  
ANGEL MEDINA,  
STEVEN OWENS, and  
ANTHONY DeCESARO,

Defendants.

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**ORDER**

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This matter arises on the following papers filed by the plaintiff:

1. **Plaintiff's Motion Pursuant to Fed. R. Civ. P. 4 to Strike Any Pleadings by the Defendants That Do Not Reflect Correct Service upon the Plaintiff** [Doc. #18, filed 06/28/2012] (the "Motion to Strike");
2. A letter addressed to the Clerk of the Court [Doc. #20, filed 07/05/2012]; and
3. A letter addressed to me [Doc. #21, filed 07/05/2012].

**Motion to Strike**

The plaintiff states that the defendants were required to answer or otherwise respond to his Complaint on or before June 20, 2012, but he has not been served with any answer or response. He requests that the court strike any pleadings that were not properly served on him. The plaintiff's request is denied.

The defendants have requested and received an extension of time until July 23, 2012, to answer or otherwise respond to the Complaint. It appears that the motion for extension of time was served on the plaintiff at his previous address of record. Accordingly, the defendants are directed to serve all future papers on the plaintiff at his current address of record.

### **The Letters**

The plaintiff has filed a letter addressed to the Clerk of the Court requesting a docket sheet and a letter addressed to me inquiring whether the defendants are in default. The letters are inappropriate. “A request for a court order must be made by motion.” Fed. R. Civ. P. 7(b)(1). The plaintiff may not seek a court order through letters or notices. All requests must be made in the form of a motion, and the request must be titled as a motion. In addition, the local rules of this Court prohibit ex parte communication with judicial officers:

In the absence of previous authorization, no attorney or party to any proceeding shall send letters, pleadings or other papers or copies directly to a judicial officer. Unless otherwise instructed, all matters to be called to a judicial officer’s attention shall be submitted through the clerk, with copies served on all other parties or their attorneys.

D.C.COLO.LCivR 77.2.

IT IS ORDERED:

1. The Motion to Strike [Doc. #18] is DENIED;
2. The letters [Docs. #20 and #21] are stricken;
3. All future applications to the court for relief shall be submitted in the form of a motion in compliance with Rule 7; and
4. All future papers are to be served on the plaintiff at his current address of record.

Dated July 10, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge