

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01483-REB-MEH

ELIZABETH WOJDACZ,

Plaintiff,

v.

OFFICER JOHN IRELAND,
GARY LEE NORMAN,
MICHAEL J. DUNCAN,
CLIFF HUDSON, and
PARTY'S (SIC) X, Y, & Z, whose true identity/name is unknown,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on April 30, 2013.

Before the Court is Defendant Hudson's Verified Response to Motion for Default Judgment and Motion to Dismiss All Counts Against Defendant Cliff Hudson [filed April 26, 2013; docket #172]. Upon review of the Motion, the Court notes several procedural and substantive deficiencies. For the reasons described below, the Motion is **denied without prejudice** and **stricken**.

First, Defendant Hudson's Motion fails to comply with the Court's Local Rules and Judge Blackburn's Practice Standards. D.C. Colo. LCivR 10.1E provides that all papers shall be double-spaced. Similarly, Section II.E.1. of Judge Blackburn's states, "[a]ll papers filed with the court by anyone other than a judicial officer shall be in Arial 12 point font. . ." Papers which do not comply with this requirement may be stricken. *Id.* Defendant Hudson's Motion is single-spaced and typed in what appears to be Times New Roman font.

In addition to the formatting errors, the content of the Motion is also problematic. For instance, the title of the Motion implies that Defendant is responding to a motion for default judgment. However, the docket in this case reflects that Plaintiff has not yet moved for entry of default against any defendant, much less sought default judgment against Mr. Hudson.

Additionally, Mr. Hudson purports to seek relief under Fed. R. Civ. P. 12(b)(6) and 7(d). Mr. Hudson's request for relief under Fed. R. Civ. P. 12(b)(6) is questionable insofar as Mr. Hudson asks the Court to consider assertions of fact contained in the Motion and additional documents attached thereto, which are typically beyond the scope of Rule 12(b)(6) analysis. With regard to Fed. R. Civ. P. "7(d)," the 2013 Federal Rules of Civil Procedure contain no such provision.

Finally, it appears Mr. Hudson has filed an un-redacted copy of IRS Form 8879 in support of his Motion. *See* docket #172-1. This document contains Plaintiff's and Defendant Norman's social security numbers. In an abundance of caution, the Court has instructed the Clerk of the Court to maintain this document under seal at Restriction Level 1 pursuant to D.C. Colo LCivR 7.2 until further order of the Court.