

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

Civil Action No. 12-cv-01580-REB-BNB

KEVIN RAYNELL WILLIAMS,

Plaintiff,

v.

CAPTAIN KLIEN, Individually and in his official capacity as captain,
C.O. J. SANDER, Individually and in his official capacity as correctional officer,
C.O. DOCKINS, Individually and in his official capacity as correctional officer,
C.O. ROYAL, Individually and in his official capacity as correctional officer,
C.O. PRICE, Individually and in his official capacity as correctional officer, and
C.O. KOCH, Individually and in his official capacity as correctional officer,

Defendants.

ORDER

This matter arises on a paper filed by the plaintiff on November 14, 2013 [Doc. #49] (the “Paper”). The Paper is STRICKEN.

The Paper contains a letter to Edward Butler, a motion for appointment of counsel, and a copy of a Minute Order. The plaintiff does not certify that he served a copy of the Paper on counsel for the defendants. Copies of papers filed in this court must be served on counsel for all other parties (or directly on any party acting *pro se*) in compliance with Fed. R. Civ. P. 5. Rule 5 provides that all pleadings filed after the original complaint and all written motions, notices, demands, or any similar paper must be served on every party. Fed. R. Civ. P. 5(a). “If a party is represented by an attorney, service under this rule must be made on the attorney” Fed. R. Civ. P. 5(b)(1). Service upon other parties may be by mail. Id. Proof that service has been

made is provided by a certificate of service. Id. at 5(d). Certification should be made in the original papers and should show the day and manner of service. Id.

In addition, the letter addressed to Edward Butler is inappropriate. The plaintiff requests that Mr. Butler assist him. An application to the court for relief must be made by motion. Fed. R. Civ. P. 7(b)(1). “The rules governing captions and other matters of form in pleadings apply to motions and other papers.” Fed. R. Civ. P. 7(b)(2). Rule 10(a), Fed. R. Civ. P., requires all papers to have a caption with the court’s name, a title, and a file number. The plaintiff improperly submitted his request in the form of a letter, not in the form of a motion, as required.

IT IS ORDERED:

- (1) The Paper 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;
- (3) All future applications to the court for relief shall be submitted in the form of a motion in compliance with Rules 7 and 10; and
- (4) Failure to comply with this order may result in sanctions, including dismissal of this case.

Dated December 2, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge