

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02034-RM-MEH

ALFONSO A. CARRILLO,
RAYMUNDO CASTILLO,
MARGARITA GARCIA,
SERGIO HERNANDEZ,
GONZALO PEREZ,
GERMAN JASSO BRUNO,
LAURA PATRICIA GUTIERREZ-VITE,
JOSE OROZCO,
MARIA ELENA CARRILLO,
ANA L. CHAVEZ,
DANIEL ORTIZ,
JUAN PABLO REYES,
TERESA MONGE,
JORGE RAMIREZ,
MARTHA ESQUIVEL,
LUIS FIGUEROA,
MANUEL PACHECO,
JOSE A. URENA-SANTOS,
WILLIAM CRISTO SANTOS,
SELVIN CARDOZA,
JESSICA ITURBE JAIME,
JULIO ARREGUIN,
AVARO NUNEZ,
NOHELIA JIMENEZ,
ELIZABETH PADILLA,
MA. DEL ROSARIO URENA,
NORA G. GONZALEZ,
HUGO A PACHECO,
SONIA LOPEZ,
RUBEN PADILLA,
ADRIANA PADILLA,
JANET VALERA,
CLAUDIA OROZCO MOLINA, and
JOSE M. VELASQUEZ,

Plaintiffs,

v.

JOHN W. HICKENLOOPER, the Honorable Governor in his official capacity as Colorado Governor,
JOHN W. SUTTERS (sic), Colorado Attorney General, in his official capacity as elected Colorado Attorney General,

ELIZABETH OLDHAM, in her official capacity as 14th Judicial District Attorney,
MITCHELL MORRISSEY, in his official capacity as Second Judicial District Attorney,
DON QUICK, in his official capacity as 17th Judicial District Attorney,
GEORGE H. BRAUCHLER, in his official capacity as 18th Judicial District Attorney,
RODNEY JOHNSON, in his official capacity as elected Grand County Sheriff,
TED MINK, in his official capacity as elected Jefferson County Sheriff,
FRANK THOMAS, in his official capacity as Sheriff,
SHERIFF DEPARTMENT, in its official capacity,
DOUGLAS N. DARR, in his official capacity as elected Adams County Sheriff,
TOM DELAND, in his official capacity as Broomfield Chief of Police,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 2, 2013.

Plaintiffs' Motion for Misjoinder of Parties Pursuant to Fed. R. Civ. P. 20 or Alternate Order to Show Cause and Compliance with Direction to File Missing Affidavits [filed April 30, 2013; docket #248] is **denied**. Plaintiffs are essentially seeking to dismiss five of the named Plaintiffs through this motion: Julio Arreguin, Janet Varela, Daniel Ortiz, Jessica Iturbe Jaime and Alvaro Nunez. However, none of the five Plaintiffs signed the motion, and there is no indication that the remaining Plaintiffs conferred with the five Plaintiffs or that the five Plaintiffs consent to be dismissed. Dismissal of parties is governed by Fed. R. Civ. P. 41; if these five Plaintiffs seek to be dismissed from this action, they must comply with Rule 41. Otherwise, if the Plaintiffs seek to modify the claims or scope of this case, they must comply with Fed. R. Civ. P. 15.

The Court notes that, on April 15, 2013, this Court ordered the Plaintiffs to re-file the motion for leave to proceed *in forma pauperis* signed by all Plaintiffs and containing affidavits from all Plaintiffs¹ on or before April 30, 2013; otherwise, they would be ordered to pay the filing fee of \$350 in this case or provide evidence that they have already done so. Rather than re-file the motion, Plaintiffs attached the affidavits of Nora Gonzalez, Daniel Ortiz and William Cristo to the present motion, and the present motion is signed by 29 of the 34 Plaintiffs. Thus, the Plaintiffs failed to comply with the April 15, 2013 order.

The Court will grant Plaintiffs one more extension of time to comply with the April 15, 2013 order and this order: if the Plaintiffs seek to proceed *in forma pauperis* in this case, they shall re-file the motion for leave to proceed *in forma pauperis* signed by all Plaintiffs and containing affidavits from all Plaintiffs on or before May 16, 2013; otherwise, they will be ordered to pay the filing fee of \$350 in this case or provide evidence that they have already done so.

¹Plaintiffs Daniel Ortiz, William Cristo Santos, Jessica Iturbe Jaime, Avarao Nunez and Nora Gonzalez failed to submit affidavits with the original motion.