

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02993-RM-KLM

HOWARD M. WATTS, JR.,

Plaintiff,

v.

DANIEL WERFEL, Acting Commissioner of the IRS,
CAROLYN W. COLVIN, Acting Commissioner of the SSA,
CAROLYN SIMMONS, Associate Commissioner,
ANNETTE STREETER, Appeals Area Director, IRS,
J. TRUJILLO, Collections Agent, IRS, and
ELLEN DEMITRE, Tax Payer Advocate, IRS,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Change of Relief Request** [#60]¹ (the "Motion"). On October 30, 2012, the Court entered a Recommendation [#59]. In the Recommendation, the Court found that it lacks jurisdiction over Plaintiff's claims and recommended dismissal pursuant to Fed. R. Civ. P. 12(b)(1). *Recommendation* [#59] at 11. In the Motion, Plaintiff states that he "understands his initial request for relief might be beyond the authority of the Court" and asks the Court to "order the return of his funds, \$943.00 plus interest from Jan[uary] 26, 2006 and any other costs the Court may deem appropriate." *Motion* [#60] at 2. The Court construes this request as an indication that Plaintiff wishes to amend his Amended Complaint [#7].

As an initial matter, the Court notes that any attempt to amend in order to assert additional or different claims against Defendants will fail for the reasons articulated in the Recommendation [#59]. The Court's lack of jurisdiction relates to the identities of the named Defendants, not what relief Plaintiff seeks.

¹ "[#60]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.

Further, if Plaintiff is seeking leave to file an Amended Complaint, he must file a motion which complies with the federal and local rules, namely, Fed. R. Civ. P. 15(a) and 20(a), and which includes the proposed Second Amended Complaint as a document separate from the Motion. The Court will not permit piecemeal adjudication of Plaintiff's case, thus Plaintiff must include all claims he seeks to bring and defendants he intends to name in the proposed Amended Complaint. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#60] is **DENIED without prejudice**.

Dated: November 14, 2013