

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03317-REB-KLM

JAMES FAIRCLOTH,

Plaintiff,

v.

MARQUEZ, Correctional Officer, in his individual capacity, and
TOM BENEZE, Lt., in his individual capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Leave to Supplement Pleadings to Add Above Parties to Case No. 12cv3317 REB KLM** [#136]¹ (the "First Motion"); Plaintiff's **Petition for T.R.O. and Injunction-[R]estoring Petitioner to Status Quo and Immediate Relief to Protect Constitutional Rights** [#137] (the "Second Motion"); Plaintiff's **Supplement Pleadings With New Claims In Relation to Current Case 12cv3317 REB KLM; Includes Pleadings** [#138] (the "Third Motion"); **Petitioner's Motion for Stay, or Extension of Time to Reply to Defendants' Motion for Summary Judgement** [sic] [#139] (the "Fourth Motion"); and Plaintiff's **Motion for Extension of Time for Good Cause** [#140] (the "Fifth Motion").

As an initial matter, the Court notes that Plaintiff filed a motion requesting a stay of this action on June 15, 2015, which was granted on June 24, 2015. *See Order* [#134] at 5. Plaintiff has not yet received his copy of that Order. However, what is evident is that without waiting for a ruling on his prior motion, Plaintiff filed the five motions addressed herein, including the Fourth Motion, which requests a stay. *Fourth Motion* [#139] at 1. Plaintiff has a habit of filing multiple motions requesting identical relief without waiting for the Court to rule on his initial request for that relief. *See, e.g., Motion for Stay of Proceedings and Request for Status Conference and Injunctive Relief Against CDOC and Employees* [#104]; *Petition for Extension of Time for Discovery and/or Request for Stay of*

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

Proceedings to Consult With Attorney [#132]; *Second Motion* [#137]; *Fourth Motion* [#139]. When a litigant files multiple motions requesting identical relief that the Court and parties must address, the Court's and the parties' resources are wasted. If a litigant files a motion, it will be dealt with in the regular course of business and that litigant need not continue filing motions requesting identical relief. Redundant filings will not cause the Court to reach a different decision with regard to any relief requested and may, instead, clog the docket of a particular case resulting in delayed action by the opposing parties and the Court which are forced to wade through the various requests for relief. **As a result, the Court warns Plaintiff that if he files a motion requesting relief after the stay is lifted, he shall not file subsequent motions requesting the same relief. Instead, like all other litigants², he must wait for a decision from the Court with regard to his motion.**

Because this case is stayed through August 30, 2015, see *Order* [#134] at 5,

IT IS HEREBY **ORDERED** that the First Motion [#136]; Second Motion [#137]; Third Motion [#138]; and Fifth Motion [#140] are **DENIED without prejudice** with leave to re-file after the stay is lifted.

IT IS FURTHER **ORDERED** that the Fourth Motion [#139] is **DENIED as moot**.

Dated: June 25, 2015

² Plaintiff is reminded that pro se litigants must follow the same procedural rules that govern other litigants. *Nielson v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994).