

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

Civil Action No. 13-cv-00290-PAB-BNB

KATRINA M. HICKS,

Plaintiff,

v.

DENVER HOUSING AUTHORITY,

Defendant.

ORDER

This matter arises on the plaintiff's letter [Doc. #19, filed 05/02/2013] (the "Letter"), in which she requests postponement of the Scheduling Conference. The Letter is STRICKEN.

The Letter is inappropriate for several reasons. The plaintiff does not certify that she served a copy of the Letter on counsel for the defendant. 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 is addressed to me personally. The local rules of this court prohibit

ex parte communication with judicial officers:

In the absence of previous authorization, no attorney or party to any proceeding shall send letters, pleadings or other papers or copies directly to a judicial officer. Unless otherwise instructed, all matters to be called to a judicial officer's attention shall be submitted through the clerk, with copies served on all other parties or their attorneys.

D.C.COLO.LCivR 77.2.

Finally, "a request for a court order 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 her request in the form of a letter, not in the form of a motion, as required.

IT IS ORDERED:

- (1) The Letter [Doc. # 19] is STRICKEN;
- (2) All papers shall be served on counsel for the defendant 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;
- (4) The plaintiff shall cease ex parte communication with judicial officers; and
- (5) Failure to comply with this order may result in sanctions, including dismissal of this case.

Dated May 6, 2013.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge