

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

Civil Action No. 13-cv-01727-RBJ-BNB

RONNIE VAUGHN,

Plaintiff,

v.

D. BERKEBILE, Federal Bureau of Prisons,

Defendant.

ORDER

This matter arises on the following:

- (1) The plaintiff's **Statement of Undisputed Facts** [Doc. #29, filed 12/20/2013];
- (2) **Pro Se Plaintiff's Motion for Summary Judgment** [Doc. #30, filed 12/20/2013];
- (3) **Pro Se Brief in Support of Summary Judgment Motion** [Doc. #31, filed 12/20/2013];
- (4) **Declaration in Support of Pro Se Plaintiff's Motion for Summary Judgment** [Doc. #32, filed 12/20/2013]; and
- (5) **Defendant's Motion to Strike Plaintiff's Motion for Summary Judgment or, in the Alternative, to Stay Briefing on the Motion** [Doc. #36, filed 01/09/2014].

The plaintiff's materials are STRICKEN, and the defendant's motion is denied as moot.

The plaintiff's various filings indicate that he is seeking summary judgment.¹ These materials are stricken. The plaintiff does not certify that he served a copy of the materials 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.

The defendant seeks to strike the plaintiff's motion for summary judgment because it is immaterial to any claim at issue in this case. That motion is moot.

IT IS ORDERED:

- (1) The plaintiff's materials [Docs. ## 29, 30, 31, and 32] are STRICKEN;
- (2) The defendant's motion [Doc. #36] is DENIED AS MOOT; and
- (3) 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.

¹The plaintiff seeks summary judgment on claims for "Class-of-One Equal Protection Clause," and "denial of procedural due process." The plaintiff does not assert in his Amended Prisoner Complaint [Doc. #8] a procedural due process claim against defendant Berkebile, nor does he assert an equal protection claim under a "class of one" theory.

Dated May 5, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge