

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02599-KLM

TORREY V. BANKS,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS,  
A. MEDINA, Warden at FCF,  
R. WAGNER, Assistant Warden at FCF,  
CAPTAIN KATZENMEYER,  
STEPHANIE ENGLAR, FCF Mental Health Counselor,  
JERRI SCOLLARD, Acting FCF Mental Health Supervisor,  
C. SOARES, Assistant Warden at CSP,  
CAPTAIN ARGUELLO, CSP Mail Room Supervisor,  
SGT. CROSLEY,  
C/O MALEBRANCHE, and  
CAPTAIN QUATTLEBAUM,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Plaintiff's **Motion to Amend/Alter Under Fed. R. Civ. P. 59(e)[,] 60(b) & 54 and/or Notice of Appeal** [#31]<sup>1</sup> (the "Motion to Amend") and Plaintiff's **Motion Requesting a Ruling on Previous Motion Submitted on 6-11-14 ECF(24) & ECF(25)** [#36] (the "Motion For Ruling"). The Motion to Amend is difficult to understand, but in it Plaintiff states that he "request[s] that this motion act as a request to amend the complaint or as a notice of appeal, to preserve review." *Motion to Amend* [#31] at 2. Plaintiff also mentions Fed. R. Civ. P. 59 and 60. *Id.* at 1. It is unclear to the Court whether Plaintiff would like to file an amended complaint or request reconsideration of the Court's Order to Dismiss in Part and to Draw Case to a Presiding Judge [#23] (the "Order"), or both.

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<sup>1</sup> "[#34]" 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.

If Plaintiff, who proceeds in this matter pro se,<sup>2</sup> 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, and which includes the proposed 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.

Alternatively, if Plaintiff seeks to file a motion pursuant to Fed. R. Civ. P. 60, seeking reconsideration of the Order[#23], he must file a motion "supported by a recitation of legal authority incorporated into the motion," D.C.COLO.LCivR 7.1(d), that makes clear which portions of the Order he seeks reconsideration of and explains under which provision of Rule 60(b) he seeks relief.

IT IS HEREBY **ORDERED** that the Motion to Amend [#31] is **DENIED without prejudice**.<sup>3</sup>

IT IS FURTHER **ORDERED** that the Motion For Ruling [#36], which requests that the Court enter an order regarding the Motion to Amend, is **DENIED as moot**.

Dated: August 21, 2014

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<sup>2</sup> As a voluntary pro se litigant, it is solely Plaintiff's responsibility to ensure that he complies with case deadlines, Court Orders, and applicable rules. See, e.g., *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992).

<sup>3</sup> The Court may rule on pending motion at any time.