

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00007-RM-KLM

JOSE M. APODACA,

Plaintiff,

v.

CITY OF LAKEWOOD COLORADO (Municipality),
LAKEWOOD POLICE DEPARTMENT,
KEVIN PALLETA, (Chief of Police), in his individual and official capacities,
ZBIGNIEW RICHARD KOSIK, (Police Officer), in his individual and official capacities, and
ALICIA HARRIS, (Police Officer), in her individual and official capacities,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion Requesting (Rule 4) US Marshals Complete Service of Process** [#26]¹ (the "First Motion"), Plaintiff's **Motion Requesting Extension of Time Rule** [#27] (the "Second Motion"), and Plaintiff's untitled letter dated April 22, 2015, which was filed on the docket on April 27, 2015 [#28] (the "Letter").

Collectively, the First Motion, Second Motion, and Letter express Plaintiff's uncertainty about service of process on Defendants. Specifically, the First Motion asks the Court to direct the U.S. Marshal to effect service on Defendants. *First Motion* [#26] at 1. The Second Motion requests an extension of the deadline for service of process set by Fed. R. Civ. P. 4. *Second Motion* [#27] at 2.

Plaintiff was granted leave to proceed *in forma pauperis*. See *Order Granting 28 U.S.C. § 1915 Motion* [#5] at 1. At the time the Court entered that Order, the Court also ordered that "the Clerk of the Court shall not issue process until further order of the Court," *id.* at 2, and reviewed the Complaint. Subsequently Plaintiff amended his Complaint twice

¹ "[#26]" 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.

[##7, 12]. On April 8, 2015, the Court entered its Order Drawing Case [#23] and this action was assigned to the undersigned [#24]. On April 29, 2015, the Clerk of the Court filed a Certificate of Service regarding service of the Second Amended Complaint [#12] and Summonses on Defendants. As a result, the relief requested in the First Motion and Second Motion is moot.

In the Letter, Plaintiff explains that he is uncertain if he must provide information to the U.S. Marshal in order for service to be effected. As an initial matter, the Court notes that pro se litigants must follow the same procedural rules that govern other litigants. The Federal Rules of Civil Procedure require that parties to a civil litigation file *motions* when they seek relief from the Court. Fed. R. Civ. P. 7(b)(1) (“A request for a court order must be made by motion.”). In addition, the Local Rules of this Court require that a motion “state under which rule or statute it is filed and be supported by a recitation of legal authority incorporated into the motion.” D.C.COLO.LCivR 7.1(d). These rules allow for an orderly progression in the litigation. Therefore, the Court does not consider letters or other documents not titled as motions or attached to motions. As a one-time courtesy, the Court is providing Plaintiff with this information. However, in the future, the Court will not respond to letters submitted by Plaintiff. In addition, the concern expressed by Plaintiff in the Letter is no longer necessary due to the Certificate of Service [#30] filed by the Clerk of the Court.

IT IS HEREBY ORDERED that the First Motion [#26] and Second Motion [#27] are **DENIED as moot**.

Dated: April 30, 2015