

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-827-GPG

BYRON R. BRONSTEIN, Plaintiff

v.

SOCIAL SECURITY ADMINISTRATION, Defendant

---

ORDER

---

On June 1, 2015, Plaintiff Byron R. Bronstein filed a “Motion to Void the Time Limit Ordered by Magistrate Judge Gordon P. Gallagher to ‘Cure’ an Alleged Deficiency in My Complaint.” (ECF No. 8). At the top of the motion, there is a handwritten note: “Corrected version of my motion, previously filed.” (*Id.*) His previously filed “Motion to Void the Time Limit Ordered by Magistrate Judge Gordon P. Gallagher to ‘Cure’ an Alleged Deficiency in My Complaint” was filed on May 22, 2015. (ECF No. 6). On May 26, 2015, the Court granted the previously filed motion, construing it as a Motion for Extension of Time, and allowing the Plaintiff an additional thirty days from the date of the Order to cure the designated deficiencies. (ECF No. 7 at 5). Therefore, Plaintiff’s repetitive “Motion to Void the Time Limit Ordered by Magistrate Judge Gordon P. Gallagher to ‘Cure’ an Alleged Deficiency in My Complaint” (ECF No. 8) is DENIED.

On June 19, 2015, Plaintiff filed a Motion titled “Designation of Record and Request for Clarification of the Date on Which I am Required to File my ‘Cured’ Complaint in this Case.” (ECF No. 9). In this motion, Plaintiff states that the Court’s

Order granting him an extension of time to cure the deficiencies in his Complaint was dated May 26, 2015, but the envelope was postmarked May 27, 2015, and was not received by him until Monday, May 29, 2015. (*Id.*) Therefore, Plaintiff requests that the Court give him until Monday, June 29, 2015 to file his cured complaint. (*Id.*). The Court's Order granting Plaintiff an extension of time was signed on May 26, 2015 and allowed Plaintiff thirty days from that date to file a new complaint. If there was an unusually long delay in the Order reaching the Plaintiff, he might be entitled to an additional extension of time; however, he received the Order in a timely manner, just three days after it was signed. (*Id.*) Therefore, based on the Court's Order, the Plaintiff had thirty days from May 26, 2015, to cure the deficiencies in his Complaint, which is Thursday, June 25, 2015. However, based on Plaintiff's confusion regarding the dates, and in an abundance of caution to allow the *pro se* Plaintiff an opportunity to submit his claims, the Court will extend the deadline one last time and allow the Plaintiff a few additional days, until Monday, June 29, 2015, to cure the designated deficiencies in his complaint, as noted in the Court's April 23, 2015 Order.

Additionally, in his motion titled "Designation of Record and Request for Clarification of the Date on Which I am Required to File my 'Cured' Complaint in this Case," Plaintiff argues that Judge Gallagher did not sign the Order granting him an extension of time and, therefore, it is not legal. (ECF No. 9 at 2). According to Plaintiff the thirty day time limit will not begin to run until the date on which Judge Gallagher signs the Order. (*Id.* at 2). However, the May 26, 2015 Order was signed by Judge Gallagher with an /s signature and electronically filed. (ECF No. 7). Under the ECF Procedures (Civil Cases) Local Rule 4.14(b), a court issued order that is filed

electronically “without the manual signature of a judicial officer or clerk has the same force and effect as if the judicial officer . . . had signed a paper copy of the order.”

D.Colo.L.R. ECF Procedures (Civil) 4.14(b), version 6.0 (eff. 12/1/2014). Therefore, Judge Gallagher’s Order on May 26, 2015, which was electronically filed, was valid.

Accordingly, it is

ORDERED that Plaintiff’s “Motion to Void the Time Limit Ordered by Magistrate Judge Gordon P. Gallagher to ‘Cure’ an Alleged Deficiency in My Complaint” (ECF No. 8) is DENIED. It is

FURTHER ORDERED that Plaintiff’s “Designation of Record and Request for Clarification of the Date on Which I am Required to File my ‘Cured’ Complaint in this Case” is GRANTED in part and DENIED in part. It is

ORDERED that Plaintiff has **until Monday, June 29, 2015** to cure the deficiencies in his complaint, as noted in the Court’s April 23, 2015 Order. It is

FURTHER ORDERED that Plaintiff shall obtain the Court-approved form used in filing a General Civil Complaint, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiencies **by Monday, June 29, 2015**, the action will be dismissed without further notice. It is

FURTHER ORDERED that the request that Judge Gallagher “sign” the previous order is DENIED.

DATED June 23, 2015, at Denver, Colorado.

BY THE COURT:  
s/Gordon P. Gallagher  
United States Magistrate Judge