

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARK WILDER,

Plaintiff,

v.

JOHN R. STEGNER, Individually and
in his official capacity as District Court
Judge for Latah County,

Defendant.

Case No. 3:12-CV-304-BLW

**MEMORANDUM DECISION
AND ORDER**

MEMORANDUM DECISION

Defendants have filed a motion to dismiss. In response, plaintiff Wilder filed a Motion to Deny Order Granting Motion to Dismiss. Wilder represents that he never received defendants' motion to dismiss, and requests additional time to answer that motion.

The defendants' certificate of mailing on their motion to dismiss states that they mailed it to the plaintiff, representing himself, at a P.O. box number. However, all of plaintiffs' pleadings in this case, and his information on CM/ECF, list his address as being on Pullman Road, and do not mention a P.O. box number. There is no indication in the record that defendants sent the motion to dismiss to Wilder at the Pullman Road address.

The Court will therefore direct defendants to send the motion to dismiss to Wilder at the Pullman Road address listed on CM/ECF immediately upon receiving this decision. The time limits set by Local Rule and the Federal Rules of Civil Procedure, and consequences for late

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filing, shall apply.

Wilder has returned other pleadings because his name in the case caption was spelled in all capital letters. This is not, however, a valid reason to challenge the pleading. If Wilder returns the motion to dismiss because his name is spelled in capital letters, the time for his response will continue to run, and if no response is filed within the deadline, the motion will be granted and his case dismissed.

The Notice (docket no. 12) which must be sent to all pro se litigants was sent to the correct address and therefore does not need to be resent.

ORDER

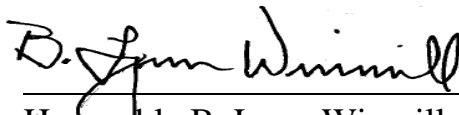
In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that defendants re-send their motion to dismiss and supporting documents to the plaintiff at his current address on Pullman Road as set forth on CM/ECF.

IT IS FURTHER ORDERED, that if Wilder returns the motion to dismiss because his name is spelled in capital letters, the time for his response will continue to run, and if he files no response within the deadline, the motion will be granted and his case dismissed.



DATED: **December 10, 2012**



Honorable B. Lynn Winmill
Chief U. S. District Judge