
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

C. Michael Martin,

Plaintiff,

v.

State of Utah et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR FEE
COPY OF PLAINTIFF'S COMPLAINT

Case No. 2:20-cv-0006-RJS-DBP

Chief Judge Robert J. Shelby

Chief Magistrate Judge Dustin Pead

This matter is referred to the undersigned in accordance with [28 U.S.C. §636\(b\)\(1\)\(B\)](#). (ECF No. 4.) Plaintiff C. Michael Martin, is proceeding *in forma pauperis* pursuant to court order. (ECF No. 2.) Before the court is Plaintiff's Motion for Fee Copy of Plaintiff's Complaint. (ECF No. 16.) The court has carefully reviewed the motion and finds it unclear exactly what type of relief Plaintiff seeks. The court therefore denies the motion. Further, the court warns Plaintiff that a failure to comply with the court's prior order entered on September 13, 2021, will result in dismissal.

Plaintiff's motion states:

Plaintiff's returns rejected waiver of amended complaint by defendant to the court.

Court clerk to collect document fee of \$500 as a preliminary order of the court for failing to complete a waiver request.

Document must be completed and filed by defendant with answers to the civil rights complaint 2:20cv00006.

Private and confidential document(s) may only be released to the named party or their attorney as summoned to appear and/ or defend upon payment of fee. A copy of plaintiff's complaint is deposited with the clerk for the private party's uses only.

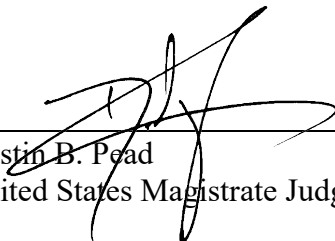
(ECF No. 16 p. 1.) Plaintiff then informs the court that Defendant “has been informally served a courtesy copy” of certain documents. These include a “Duty of Avoid Unnecessary Expense of Serving a Summons”, a “Notice of Confidentiality”, and various pro se forms. *Id.* p. 2.

Although the court construes Mr. Martin’s filings liberally, *see Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir 1991), Plaintiff is not relieved from the burden of alleging sufficient facts on which to seek relief. *See id.* Here, Plaintiff’s motion does not seek any clear relief and notes that certain documents have been served on the Defendant. As such, the court finds no basis to grant any relief. In addition, to the extent that the motion seeks in an obscure manner relief regarding sealed filings, that request has already been denied by the court. (ECF No. 13.)

Finally, the court further warns Plaintiff, that a failure to comply with the court’s prior order requiring Plaintiff to file a Second Amended Complaint, which includes a proper showing of any FLSA claims, will result in dismissal. In the September 13th order Plaintiff was given 30 days to comply. As of the date of this order, Plaintiff has still failed to comply. Plaintiff is ordered to comply with that order on or before December 3, 2021.

IT IS SO ORDERED.

DATED this 2 November 2021.



Dustin B. Pead
United States Magistrate Judge