

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-00884-CMA-STV

CHAYCE AARON ANDERSON,

Plaintiff,

v.

JASON SHUTTERS,

Defendant.

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**MINUTE ORDER**

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Entered By Magistrate Judge Scott T. Varholak

This case matter is before the Court upon its review of Plaintiff's letter to the Court dated January 31, 2018. [#71] In the letter, Plaintiff states that he was unexpectedly transferred from Arkansas Valley Correctional Facility ("AVCF") to the Larimer County Jail on January 29, 2018 and thus had to leave "the bulk of [his] legal work and legal documents" at AVCF. [*Id.* at 1] Plaintiff thus requests that the Court send him a copy of (1) the Scheduling Order, (2) the "Local Rules of Practice," and (3) a "Guide to Civil Suits." [*Id.* at 2] As a preliminary matter, the Court notes that, pursuant to Judge Arguello's Civil Practice Standard 7.1A(a), "[a]ll requests for the Court to take any action, make any type of ruling, or provide any type of relief must be contained in a written motion." Plaintiff's letter does not satisfy this requirement. However, the Court finds it appropriate to send Plaintiff the requested documents so as to not further delay this litigation.

On September 20, 2017, the Court granted Defendant's Motion to Stay Discovery Pursuant to Fed. R. Civ. P. 26(c)(1) Pending Determination of Qualified Immunity. [#45] As a result, the Court deferred conducting a scheduling conference until after resolution of Defendant's motion to dismiss based upon qualified immunity.<sup>1</sup> [#47] As a result, no Scheduling Order has yet been entered in this case. However, the Court directs the

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<sup>1</sup> Although Defendant's initial motion to dismiss [#43] was denied as moot when Plaintiff was granted leave to file his Second Amended Complaint [#60], Defendant subsequently moved to dismiss the Second Amended Complaint, in part based upon qualified immunity [#63]. That motion is currently pending.

Clerk of Court to mail Plaintiff a copy of (1) the template joint proposed scheduling order and instructions, available from the Court's website; (2) a copy of Section I – Civil Rules and Section V – Attorney Rules of the Local Rules of Practice for the District of Colorado; (3) a copy of Judge Arguello's Civil Practice Standards; and (4) the Guide to Civil Lawsuits in the United States District Court for the District of Colorado, available from the Court's website.

Plaintiff's letter also requests that "counsel [ ] be appointed to assist [Plaintiff] in the furtherance of this case."<sup>2</sup> [#71 at 3] To the extent Plaintiff seeks the appointment of pro bono counsel, he must file a separate, written motion that addresses the factors for appointment of pro bono counsel identified in D.C.COLO.LAttyR 15(f)(1)(B).<sup>3</sup>

**SO ORDERED.**

DATED: February 7, 2018

BY THE COURT:

s/Scott T. Varholak  
United States Magistrate Judge

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<sup>2</sup> Plaintiff's letter also requests an extension until February 9, 2018 to file an objection to this Court's Recommendation and Order [#60], entered on December 13, 2017, and adopted by Judge Christine M. Arguello on January 3, 2018 [#66]. That request, if entertained, must be decided by Judge Arguello. As noted above, however, pursuant to Judge Arguello's Civil Practice Standard 7.1A(a), "[a]ll requests for the Court to take any action, make any type of ruling, or provide any type of relief must be contained in a written motion."

<sup>3</sup> Those factors include: (1) the nature and complexity of the action; (2) the potential merit of the claims or defenses of the unrepresented party; (3) the demonstrated inability of the unrepresented party to retain an attorney by other means; and (4) the degree to which the interests of justice, including the benefits to the court, will be served by appointment of counsel.