

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

Civil Action No. 18-cv-03112-RBJ-STV

SEAN SLATTON,

Plaintiff,

v.

TODD HOPKINS,
BRANDON BARNES,
JOHN HUTTO, and
FORT COLLINS POLICE DEPARTMENT,

Defendants.

ORDER TO SHOW CAUSE

Magistrate Judge Scott T. Varholak

This civil action is before the Court *sua sponte* upon the Court's review of Plaintiff's Complaint. [#1] Although Plaintiff, proceeding pro se, utilized the Court's approved general civil complaint form, Plaintiff failed to complete Section D ("Statement of Claim(s)"), Section E ("Request for Relief"), and Section F ("Plaintiff's Signature"). [#1 at 4-6]

In conducting its review of the Complaint, the Court is mindful that Plaintiff is proceeding without the assistance of an attorney. "A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)). "The *Haines* rule applies to all proceedings involving a pro se litigant." *Id.* at 1110 n.3. The Court, however, cannot be a pro se litigant's advocate.

See *Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008). Moreover, pro se parties must “follow the same rules of procedure that govern other litigants.” *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (quoting *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992)).

As a preliminary matter, Plaintiff’s Complaint fails to comply with Federal Rule of Civil Procedure 11(a), which requires that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.” Rule 11(a) further provides that “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Plaintiff’s Complaint thus is deficient pursuant to Rule 11(a), because Plaintiff did not sign the Complaint. [See #1 at 6]

In addition, Plaintiff’s Complaint fails to comply with the requirements of Federal Rule of Civil Procedure 8. Pursuant to Rule 8, a complaint must contain “a short and plain statement of the claim,” demonstrating that the plaintiff is entitled to relief, and “a demand for the relief sought.” Fed. R. Civ. P. 8(a)(2)-(3). Here, Plaintiff failed to comply with either of these requirements, because he failed to complete (and left entirely blank) the sections of the form complaint designated for (1) clearly and concisely setting forth his claims and (2) identifying the relief sought. [#1 at 4-6]

“The twin purposes of a complaint are to give the opposing parties fair notice of the basis for the claims against them so that they may respond and to allow the Court to conclude that the allegations, if proven, show that the plaintiff is entitled to relief.” *Mwangi v. Norman*, No. 16-cv-0002-GPG, 2016 WL 153220, at *1 (D. Colo. Jan. 13, 2016). Accordingly, to state a claim in federal court, Plaintiff’s Complaint must explain: (1) “what

each defendant did to him”; (2) “when the defendant did it”; (3) “how the defendant’s action harmed” the plaintiff; and, (3) “what specific legal right the plaintiff believes [each] defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). In its current form, Plaintiff’s Complaint fails to comply with any of these requirements.

Accordingly, **IT IS ORDERED** that, on or before **January 11, 2019**, Plaintiff shall:

(1) File an Amended Complaint that complies with the Federal Rules of Civil Procedure and the requirements discussed in this Order; or

(2) Show cause, if any there be, in writing, why the current Complaint [#1] should not be stricken pursuant to Rule 11(a) and/or dismissed for failure to state a claim pursuant to the requirements of Rule 8.

Plaintiff is cautioned that failure to timely comply with this Order will result in a recommendation of dismissal of this action. The Court further advises Plaintiff that he may qualify for assistance from the Colorado Bar Association Federal Pro Se Clinic, information available at <http://www.cobar.org/cofederalproseclinic> or by calling 303.380.8786.

DATED: December 11, 2018

BY THE COURT:

s/Scott T. Varholak
United States Magistrate Judge