THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

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ANTHONY JOE CHAVEZ,	)	Case No. 2:10CV00349 DS
Plaintiff,	)	
vs.	)	MEMORANDUM DECISION
		AND ORDER
TODD RASMUSSEN ET AL.,	)	
	)	
Defendants.	)	

* *

Plaintiff, proceeding *pro se* and *in forma pauperis*, has filed a civil rights complaint pursuant to 42 U.S.C. §§ 1983 and 1985. In vague and conclusory fashion Plaintiff alleges that he was the victim of unlawful deadly force and abuse of authority.

The court has reviewed plaintiff's complaint with the deference due his *pro se* status. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir 1991). Because plaintiff is proceeding *in forma pauperis*, the court is directed to dismiss such a case at any time if the court determines that the action is frivolous or malicious or fails to state a claim on which relief may be granted. 28 U.S.C. 1915(e)(2)(B)(i)(ii). The court *sua sponte* may also dismiss a complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. *Hall*, 935 F.2d at 1109-10.

Although pleadings in *pro se* cases are to be liberally construed,"[t]he broad reading of the Plaintiff's complaint does not relieve [him] of the burden of alleging sufficient facts on

which a recognized legal claim could be based." *Id*. While

Plaintiff need not describe every fact in specific detail,

"conclusory allegations without supporting factual averments are

insufficient to state a claim on which relief can be based." *Id*.

The allegations contained in plaintiff's complaint are

vague, conclusory and contain insufficient factual detail to

support his claims. However, due to Plaintiff's pro se status,

the Court grants leave for him to file an amended complaint, if

he so desires, no later than fifteen (15) days from the date of

this order. Failure to timely respond and/or to adequately plead

sufficient facts and allegations in support of his claims will

result in dismissal of the Complaint.

DATED this 4ᵗʰ day of August, 2010.

BY THE COURT:

DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT