

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-00727-BNB

(ATTORNEY) JAMES LOUIS JEWELL,

Plaintiff,

v.

SOCIAL SECURITY, "PATENTS" PAID FROM RUSSIA,
VECTRA BANK, 1650 S. Colorado Blvd., Denver, Colorado, and
WAL-MART, Englewood, Colorado,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 21 2006

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff James Louis Jewell initiated this action by filing *pro se* a Complaint. The court must construe the Complaint liberally because Mr. Jewell is representing himself. **See Haines v. Kerner**, 404 U.S. 519, 520-21 (1972); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the court should not be the *pro se* litigant's advocate. **See Hall**, 935 F.2d at 1110. For the reasons stated below, Mr. Jewell will be ordered to file an amended complaint.

The court has reviewed the Complaint and has determined that it is deficient. First, it is not clear exactly who Mr. Jewell is suing in this action. In addition, the Complaint does not comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. 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. **See *Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas***, 891 F.2d 1473, 1480 (10th Cir. 1989). The requirements of Fed. R. Civ. P. 8 are designed to meet these purposes. **See *TV Communications Network, Inc. v. ESPN, Inc.***, 767 F. Supp. 1062, 1069 (D. Colo. 1991), ***aff'd***, 964 F.2d 1022 (10th Cir. 1992). Specifically, Rule 8(a) provides that a complaint "shall contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." The philosophy of Rule 8(a) is reinforced by Rule 8(e)(1), which provides that "[e]ach averment of a pleading shall be simple, concise, and direct." Taken together, Rules 8(a) and (e)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules. Prolix, vague, or unintelligible pleadings violate the requirements of Rule 8.

Mr. Jewell fails to set forth a short and plain statement of the grounds on which the court's jurisdiction depends and he fails to set forth a short and plain statement of his claims showing that he is entitled to relief. He also fails to assert clearly the relief he seeks in this action. In short, the Complaint makes no sense.

A decision to dismiss a pleading pursuant to Rule 8 is within the trial court's sound discretion. **See *Atkins v. Northwest Airlines, Inc.***, 967 F.2d 1197, 1203 (8th Cir. 1992); ***Gillibeau v. City of Richmond***, 417 F.2d 426, 431 (9th Cir. 1969). The court finds that the Complaint does not meet the requirements of Fed. R. Civ. P. 8(a) and that Mr. Jewell should be given an opportunity to file an amended complaint. He will be directed to do so below. Accordingly, it is

ORDERED that Mr. Jewell file, **within thirty (30) days from the date of this order**, an amended complaint that complies with the pleading requirements of Fed. R. Civ. P. 8 as discussed in this order. It is

FURTHER ORDERED that the clerk of the court mail to Mr. Jewell, together with a copy of this order, two copies of the following form: Complaint. It is

FURTHER ORDERED that, if Mr. Jewell fails within the time allowed to file an amended complaint that complies with this order to the court's satisfaction, the action will be dismissed without further notice.

DATED April 21, 2006, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 06-cv-00727-BNB

James L. Jewell
2451 Niagara St.
Denver, CO 80207

I hereby certify that I have mailed a copy of the **ORDER and two copies of Complaint** to the above-named individuals on 4/21/06

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk