

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 14 2006

CAROLYN D. LANGHAM
CLERK

Civil Action No. 06-cv-01095-BNB

PROPHET EVANGELIST DOCTOR REVEREND PAUL HUGGINS, /KIDS AGAINST
ALCOHOL DRUGS AND CRIME AS KAADAC THE FIRST BLACK MINISTRY
NATIONS OF ISRUM,

Plaintiff,

v.

SAFEWAY, et al., /JOHN DO FEMALE EMPLOYER,

Defendant.

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff Paul Huggins initiated this action by filing *pro se* a Complaint. The court must construe the complaint liberally because Mr. Huggins 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). For the reasons stated below, Mr. Huggins will be ordered to file an amended complaint.

The court has reviewed the Complaint filed by Mr. Huggins and has determined that the Complaint is deficient. First, it is not clear who the parties in this action are. Contrary to the caption of the Complaint, the listed Plaintiff on page two of the Complaint is simply the Reverend Paul Huggins. Furthermore, although it is fairly clear that Mr. Huggins is suing two Defendants in this action, he improperly uses "et al." in the caption of the Complaint. Mr. Huggins must clarify the parties to this action in the amended complaint he will be ordered to file. In addition to clarifying who the

Defendants are, Mr. Huggins also must provide addresses for the Defendants so that they may be served in this action.

The Complaint also fails to comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The twin purposes of a pleading 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. Huggins fails to set forth a short and plain statement of the grounds on which the court's jurisdiction depends. He fails to identify the statutory authority that allows this court to consider the claims he is asserting in this action. Mr. Huggins also fails to set forth a short and plain statement of his claims showing that he is entitled to relief.

Although Mr. Huggins apparently claims that his First and Second Amendment rights have been violated, he fails to provide a short and plain statement of any constitutional claims showing that he is entitled to relief. It also is not clear if Mr. Huggins intends to assert any nonconstitutional claims. Mr. Huggins must submit a pleading that complies with the pleading requirements of Rule 8 if he wishes to pursue his claims in this action. Accordingly, it is

ORDERED that Mr. Huggins file, **within thirty (30) days from the date of this order**, an amended complaint that complies with this order. It is

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

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

DATED June 14, 2006, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

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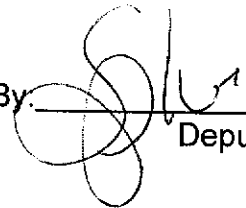
CERTIFICATE OF MAILING

Civil Action No. 06-cv-01095-BNB

Paul Huggins
928 E. 25th Ave.
Denver, CO 80205

I hereby certify that I have mailed a copy of the **ORDER** and two copies of the **Complaint** to the above-named individuals on 6-14-06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk