

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-02509-BNB

SHARON ANNE CAROL,

Plaintiff,

v.

GREYHOUND TRANSPORTATION LINES,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC 19 2006

GREGORY C. JAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Sharon Anne Carol, initiated this action by filing *pro se* a Complaint. The court must construe the complaint liberally because Ms. Carol is representing herself. **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, Ms. Carol will be ordered to file an amended complaint.

The court has reviewed the complaint filed by Ms. Carol and has determined that the complaint 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.

Ms. Carol fails to set forth a short and plain statement of the grounds on which the court’s jurisdiction depends. In other words, she fails to identify the statutory authority that allows this court to consider the claims she is asserting in this action. Ms. Carol also fails to set forth a short and plain statement of his claims showing that she is entitled to relief. It is not clear what claim or claims Ms. Carol intends to assert against the Defendant in this action. Ms. Carol must submit a pleading that complies with the pleading requirements of Rule 8 if she wishes to pursue her claims in this action. Accordingly, it is

ORDERED that Ms. Carol 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 Ms. Carol, together with a copy of this order, two copies of the following form: Complaint. It is

FURTHER ORDERED that, if Ms. Carol 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 December 19, 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-02509-BNB

Sharon A. Carol
111 W. 3rd Ave
Spokane, WA 99201

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint** to the above-named individuals on 12-19-06

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk