

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-00098-PAB-BNB

ROBERT PAUL MAHAN,

Plaintiff,

vs.

ROXY HUBER, Executive Director, Colorado Department of Revenue,
COLORADO DEPT. OF MOTOR VEHICLES,
COLORADO STATE PATROL,
LOGAN COUNTY SHERIFF'S DEPT.,
STERLING COUNTY POLICE DEPT.,
CITY OF THORNTON POLICE DEPT.,
ADAMS COUNTY SHERIFF'S DEPT.,
ROBERT WATSON, 13th Judicial District Attorney,
MICHAEL SINGER, Logan County District Attorney, and
DON QUICK, 17th Judicial District Attorney, Adams County,

Defendants.

ORDER

This matter is before me on the **Notice of First Amended Compliant** [sic] to **United States District Court, District of Colorado** [Doc. #10] (the "Proposed Amended Complaint").

For the following reasons, the Proposed Amended Complaint is STRICKEN, and the plaintiff is directed to submit an amended complaint which complies with my order issued on January 26, 2009; the Local Rules of this Court; and the Federal Rules of Civil Procedure.

The plaintiff initiated this case by filing a document captioned Notice of Complaint to United States District Court, District of Colorado [Doc. #1] (the "Initial Complaint"). The Initial Complaint was deficient in form and content. Consequently, the Initial Complaint was

stricken and the plaintiff was ordered to submit a complaint which complies with Fed. R. Civ. P. 8; D.C.COLO.LCivR 8.1A; D.C.COLO.LCiv.R 10; and the following directive:

The complaint shall be submitted on the court's form. The background statement shall briefly summarize the plaintiff's case and shall not exceed one double-spaced typewritten page. Each claim shall be stated separately. Each claim shall state which defendant(s) the claim is brought against and shall briefly allege facts sufficient to state a claim for relief. Each claim shall not exceed two typewritten pages, double-spaced.

Order [Doc. #6, filed 1/26/2009] at pp.3-4. I warned the plaintiff that failure to comply with my order could result in a recommendation that the plaintiff's case be dismissed.

On February 27, 2009, the plaintiff submitted the Proposed Amended Complaint which does not comply with my order. It is not submitted on the court's form. The background statement of the case does not briefly summarize the plaintiff's case in one page. Instead, it consists of seven pages of rambling, confusing, and often incoherent statements and conclusory allegations. For example, the background statement contains the following sentence:

That so few office even know the laws they enforce using a flip chart makes plaintiff fear for our republican form of government and his life prays for when the agencies who break the law there supposed to enforce without remedy there is anarchy.

Proposed Amended Complaint [Doc. # 10] at p. 10.

The claims for relief do not in two pages state which defendant(s) each claim is brought against, nor do they briefly allege facts sufficient to state a claim for relief. To the contrary, each claim contains a listing of the defendants; a paragraph of gibberish and citations to statutes and constitutional provisions; and a reference to "attached CLAIM FOR RELIEF AND SUPPORTING FACTUAL ALLEGATIONS, 1 through 12."

The Proposed Amended Complaint asserts three claims for relief. Claim One is exemplary of the other claims. Claim One states the following:

I am, Robert Paul Mahan, one of the People of Colorado in his capacity as sovereign and Plaintiff in this court of record complains of Defendants. 1. ROXY HUBER, Executive Director, Colorado Department of Revenue and COLORADO DEPARTMENT OF MOTOR VECHICLES [sic], 3. MARK V. TROSTEL, CHIEF, COLORADO STATE PATROL, 4. BRETT POWELL, SHERRIFF [sic] LOGAN COUNTY SHERIFFS DEPT, 5. ROY BREIVIK, CHIEF STERLING CITY POLICE DEPARTMENT, 6. JIM NURSEY, CHIEF, CITY OF THORTON [sic] POLICE DEPARTMENT, 7. DOUG DARR, SHERRIFF [sic], ADAMS COUNTY SHERIFFS DEPT, 8. ROBERT WATSON, 13TH JUDICIAL DISTRICT ATTORNEY, 9. JUDGE MICHEAL SINGER, LOGAN COUNTY DISTRICT COURT, 10. JUDGE ROBERT SMITH, LOGAN COUNTY COURT, 11. JUDGE MICHEAL COX, ADAMS COUNTY COURT, 12. DON QUICK, 17TH Judicial District Attorney, Adams County, Defendants,

Who are each summoned to answer the said plaintiff in a plea of **Trespass**, and trespass on the case, vicarious liability on plaintiff rights by defendants' abuse their official office and capacity in pattern and policy to by use of excessive force, harassment and intimidation, fraud in escalating pattern and policy under color of law to deprive Plaintiff of his right to violate the following: United Constitution Article 1, Section 8.3, Article 3.2, Article 4.2(1) and (2), Amendment I, IV, V, VI, VIII, IX, X, and XIV as well as Colorado Constitution Article 2, Sections 1, 2, 3, 6, 7 and 24, 25, 28. Federal law 42 USC 14141, 49 USC 2701, 42 USC 1983, 42 USC 1985(2) and (3), 42 USC 1986, 18 USC 241, 18 USC 242, and 18 USC 245(b)(2)(E),

See attached CLAIM FOR RELIEF AND SUPPORTING FACTUAL ALLEGATIONS, 1 through 12

Proposed Amended Complaint [Doc. # 10] at pp. 6-7.

The attachment does not contain specific factual allegations to show that these defendants violated "United Constitution Article 1, Section 8.3, Article 3.2, Article 4.2(1) and (2),

Amendment I, IV, V, VI, VIII, IX, X, and XIV as well as Colorado Constitution Article 2, Sections 1, 2, 3, 6, 7 and 24, 25, 28. Federal law 42 USC 14141, 49 USC 2701, 42 USC 1983, 42 USC 1985(2) and (3), 42 USC 1986, 18 USC 241, 18 USC 242, and 18 USC 245(b)(2)(E).”

To the contrary, the attachment is filled with conclusory allegations of wrongdoing. In addition, I note that the attachment contains “supporting factual allegations” for claims that are not asserted within the Proposed Amended Complaint.

The Proposed Amended Complaint fails to comply with Fed. R. Civ. P. 8, D.C.COLO.LCivR 8.1A, and my order issued on January 26, 2009. Accordingly,

IT IS ORDERED that Proposed Amended Complaint is STRICKEN for failure to comply with Fed. R. Civ. P. 8, D.C.COLO.LCivR 8.1A, and my Order issued on January 26, 2009.

IT IS FURTHER ORDERED that the plaintiff shall have to and including **March 31, 2009**, to submit a complaint on the court’s form which complies with Fed. R. Civ. P. 8; D.C.COLO.LCivR 8.1A; D.C.COLO.LCiv.R 10; and my Order issued on January 26, 2009.

IT IS FURTHER ORDERED that the plaintiff’s failure to comply with this Order may result in a recommendation that the plaintiff’s case be dismissed.

Dated March 11, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge