

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00249-BNB

BYRON K. ANDREWS, and
ANDREA P. ANDREWS,

Plaintiffs,

v.

RALPH E. LAYMAN, U.S. Small Business Administration Director,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR -1 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFFS TO FILE SECOND AMENDED COMPLAINT

Plaintiffs initiated this action by filing a Complaint. In an order filed on March 23, 2009, the Court instructed Plaintiffs to file an Amended Complaint in keeping with Fed. R. Civ. P. 8. In response to the March 23, 2009, Order, Plaintiffs filed individual Amended Complaints. The Court must construe the Amended Complaints liberally because Plaintiffs are not represented by an attorney. *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 act as an advocate for *pro se* litigants. *See Hall*, 935 F.2d at 1110.

Plaintiffs may not file separate pleadings in the same action. Instead, they must file a joint pleading that is signed by both of them. Therefore, Plaintiffs will be directed to file a Second Amended Complaint on the proper form that they both have signed. Accordingly, it is

ORDERED that Plaintiffs file **within thirty days from the date of this Order** a Second Amended Complaint that they both have signed and that complies with the pleading requirements of the Federal Rules of Civil Procedure. It is

FURTHER ORDERED that the Clerk of the Court mail to Plaintiffs, together with a copy of this Order, two copies of a Court-approved Complaint form. It is

FURTHER ORDERED that if Plaintiffs fail to file a joint Second Amended Complaint that complies with this Order, to the Court's satisfaction and within the time allowed, the action will be dismissed without further notice.

DATED April 1, 2009, 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

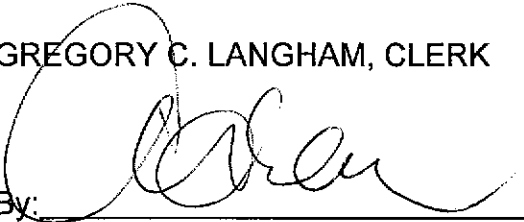
CERTIFICATE OF MAILING

Civil Action No. 09-cv-00249-BNB

Byron K. Andrews
Andrea P. Andrews
1320 S. Lemay Ave.
Fort Collins, CO 80524

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint form** to the above-named individuals on 4/1/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk