

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01169-BNB

SOLOMON B. COHEN,

Plaintiff,

v.

JOHN LONGSHORE, Field Office Director, Dept. of Homeland Security, Denver, State
of Colorado,

CAPT. DAN MULDOON, Jail Administrator, Park County Jail,

FRED WEGENER, Sheriff, Park County Jail,

MONTE GORE, Undersheriff, and

WARDEN OF PARK COUNTY JAIL (name unknown),

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 02 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Solomon B. Cohen, is being detained at the Park County Jail in Fairplay, Colorado. Mr. Cohen has filed *pro se* two slightly different versions of a Prisoner Complaint alleging that his rights under the United States Constitution have been violated. The court must construe the Prisoner Complaints liberally because Mr. Cohen is 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 be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Cohen will be ordered to file an amended complaint.

Although the two Prisoner Complaints filed by Mr. Cohen assert the same claims for relief, the two complaints are not identical. The most obvious difference is that one of the complaints includes a number of pages of attachments that are not included with

the other complaint. Therefore, in order to avoid any potential confusion in this action and to ensure that the court and all of the parties are addressing the same pleading, Mr. Cohen will be directed to file an amended complaint. Mr. Cohen is advised that any copies he provides of the amended complaint must be identical to the amended complaint. Accordingly, it is

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

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

FURTHER ORDERED that, if Mr. Cohen 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 June 2, 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-01169-BNB

Solomon B. Cohen
Prisoner No. A0261647
Alien No. 77309675
Criminal Justice Center
2739 East Las Vegas St.
Unit 2F3C4B
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner Complaint** to the above-named individuals on 6/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk