

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01169-BNB

SOLOMON BEN-TOV COHEN,

Plaintiff,

v.

OFFICER STEVEN ESTRADA, Immigration & Customs Enforcement,  
JOHN LONGSHORE, Field Office Director, Department of Homeland Security,  
CAPT. DAN MULDOON, Jail Administrator, Park County Jail,  
OFFICER BLATT, ICE,  
DR. PECK, Psychiatrist, El Paso County Jail,  
FRAN LePAGE, Programs Manager, El Paso County Jail,  
SHERIFF TERRY MAKETA, El Paso County Jail, and  
EL PASO COUNTY,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 25 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

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Plaintiff, Solomon Ben-Tov Cohen, currently is being detained at the El Paso County Jail in Colorado Springs, Colorado. Mr. Cohen initiated this action by filing *pro se* two slightly different versions of a Prisoner Complaint alleging that his rights under the United States Constitution have been violated. On June 2, 2009, the court ordered Mr. Cohen to file an amended complaint in order to avoid any potential confusion that could arise from the filing of two different pleadings. On June 23, 2009, Mr. Cohen filed an amended Prisoner Complaint.

The court must construe the amended Prisoner Complaint 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 (10<sup>th</sup> 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 a second amended complaint.

Mr. Cohen's amended Prisoner Complaint is deficient for three reasons. First, Mr. Cohen provides addresses in the amended Prisoner Complaint for only three of the eight Defendants listed in the caption of that pleading. Mr. Cohen must provide an address for each named Defendant in order for the court to effect service of process. The amended Prisoner Complaint also is deficient because Mr. Cohen fails to assert any claim against Dr. Peck, one of the Defendants listed in the caption of the amended Prisoner Complaint. If Mr. Cohen intends to pursue a claim against Dr. Peck in this action, he must specify what that claim is. Finally, the amended Prisoner Complaint is deficient because Mr. Cohen asserts his eighth claim against an individual who is not listed as a Defendant in the caption of the amended Prisoner Complaint. If Mr. Cohen intends to assert a claim against this individual, he must include his name in the caption of his second amended complaint. **See Fed. R. Civ. P. Rule 10(a)**. Accordingly, it is

ORDERED that Mr. Cohen file a second 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 a second amended complaint that complies with this order to the court's satisfaction, the action will be dismissed without further notice.

DATED June 25, 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

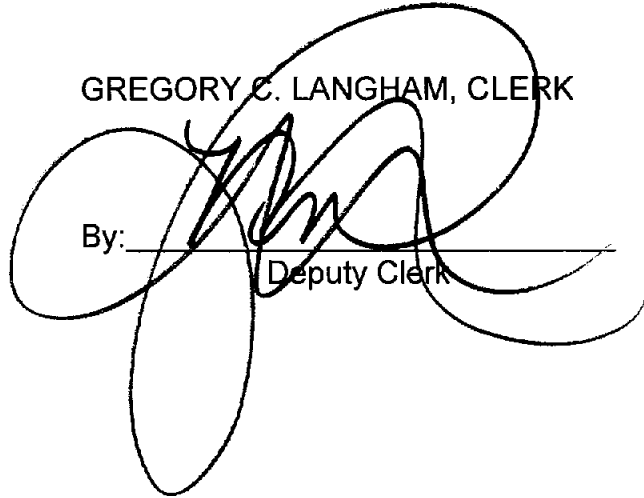
Solomon B. Cohen  
Prisoner No. A0261647  
Alien No. 77309675  
Criminal Justice Center  
2739 East Las Vegas St.  
Colorado Springs, CO 80906

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 6/25/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

Deputy Clerk

A large, stylized handwritten signature in black ink, written over the printed name and title of the Deputy Clerk.