

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01801-BNB

JASON E. WALKER,

Plaintiff,

v.

STATE OF COLORADO,  
CITY OF COLORADO SPRINGS,  
EL PASO COUNTY SHERIFFS DEPT.,  
EL PASO COUNTY, Colorado,  
SHERIFF TERRY MAKETA,  
EX-COMMANDER HILT,  
LEUITENANT [sic] BRANDT,  
LEUITENANT [sic] ZANI,  
DEPUTY HORTON, and  
DEPUTY MOTT,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

OCT 21 2009

GREGORY C. LANGHAM  
CLERK

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ORDER OF DISMISSAL

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Plaintiff, Jason E. Walker, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Buena Vista, Colorado, correctional facility. He initiated the instant action by filing *pro se* a civil rights complaint for money damages and injunctive and declaratory relief pursuant to 42 U.S.C. § 1983. On August 17, 2009, he filed a supplement to the complaint supplying Defendants' addresses. Mr. Walker has been granted leave to proceed without payment of an initial partial filing fee pursuant to the federal *in forma pauperis* statute, 28 U.S.C. § 1915.

The Court must construe the complaint liberally because Mr. Walker is

representing himself. *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 the *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110. For the reasons stated below, the complaint will be dismissed for lack of subject matter jurisdiction.

Mr. Walker asserts three claims based upon his alleged assault on August 29, 2007, by a co-inmate, Lamont Howard, also known as "Ice," while they were incarcerated at the El Paso County Criminal Justice Center. Mr. Walker alleges that Mr. Howard was served with a summons/ticket for the assault containing Mr. Walker's personal information, including his full name, date of birth, Social Security number, home address, telephone number, and his mother's and grandmother's home addresses, information he contends should not have been included in the summons/ticket.

He asserts a belief that Mr. Howard later was convicted and imprisoned on various charges, including the assault charge, and in February 2008 was released from incarceration. He contends that during the assault, Mr. Howard threatened him verbally. He fears for himself and his family based upon Mr. Howard's verbal threat made during the assault.

Mr. Walker fails to allege what, if any, constitutional rights were violated. He also fails to allege any injury based upon the personal information he maintains erroneously was included on the summons/ticket served on Mr. Howard. The United States Constitution requires that a party seeking to invoke the jurisdiction of the federal courts must demonstrate that he has suffered some actual or threatened injury, that the injury was caused by the defendants, and that a favorable judicial decision is likely to redress

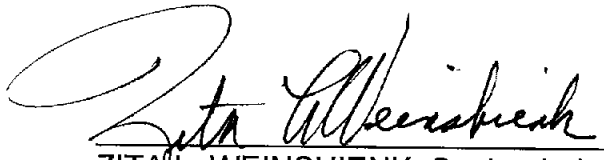
the injury. **Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.**, 454 U.S. 464, 472 (1982); **Hackford v. Babbitt**, 14 F.3d 1457, 1464 (10th Cir. 1994). Because Mr. Walker fails to demonstrate any actual or threatened injury as a result of his personal information he contends was supplied to Mr. Howard, Mr. Walker lacks standing to assert claims attacking the alleged error. **See Citizens Concerned for Separation of Church & State v. City & County of Denver**, 628 F.2d 1289, 1295-96 (10th Cir. 1980). The complaint will be dismissed for lack of subject matter jurisdiction. Accordingly, it is

ORDERED that the complaint and the action are dismissed for lack of subject matter jurisdiction. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 21 day of Oct, 2009.

BY THE COURT:

  
ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-01801-BNB

Jason E. Walker  
Prisoner No. 85495  
Buena Vista Corr. Facility  
PO Box 2017  
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to  
the above-named individuals on 10/21/09

GREGORY G. LANGHAM, CLERK

By: 

Deputy Clerk