

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01974-BNB

REGINALD VANCE CALVERT,

Plaintiff,

v.

SIEMEN WATER TECHNO[LO]GIES CORPORATION,
MR. RODNEY CUMMINS,
MR. PATRICK CONDON, and
MS. EVELYN OLSON,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 01 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

Plaintiff, Reginald Vance Calvert, initiated this action by filing a *pro se* Title VII Complaint on August 20, 2009. On August 20, 2009, the Court directed the Clerk of the Court to commence a civil action, and directed Plaintiff to cure certain deficiencies. Specifically, Plaintiff was informed that page two of his complaint was missing, and that the names of the Defendants in the caption of the complaint did not match the names in the text of the Complaint. Therefore, Plaintiff was directed to file an amended complaint within thirty days. Plaintiff filed an amended Title VII complaint on August 27, 2009.

The Court must construe the amended complaint liberally because Mr. Calvert 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. Calvert will be ordered to file a second amended complaint.

The Court has reviewed the amended complaint and has determined that, although the second page has been included, the amended complaint remains deficient. Mr. Calvert alleges that he was employed by Siemens Water Technologies Corp. and that he was demoted or discharged from that job in violation of his rights under Title VII of the Civil Rights Act of 1964. However, in addition to naming Siemens Water Technologies Corp. as a Defendant, Mr. Calvert also lists Mr. Rodney Cummins, Mr. Patrick Condon, and Ms. Evelyn Olson as Defendants in the caption of his amended complaint. Mr. Calvert fails to include these Defendants in the "Parties" section of his amended complaint, and also failed to provide addresses for these Defendants. Moreover, Mr. Calvert is reminded that supervisors and other employees may not be held personally liable under Title VII. *See Haynes v. Williams*, 88 F.3d 898, 899 (10th Cir. 1996). However, if Mr. Calvert wishes to pursue any claims against Defendants Rodney Cummins, Patrick Condon and Evelyn Olson, he must provide addresses where these Defendants can be served. Accordingly, it is

ORDERED that Mr. Calvert file, **within thirty (30) days from the date of this order**, a second amended complaint that complies with this order. It is

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

FURTHER ORDERED that, if Mr. Calvert fails within the time allowed to file a second amended complaint that complies with this order, Defendants Rodney Cummins, Patrick Condon and Evelyn Olson will be dismissed as parties to this action

without further notice.

DATED September 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-01974-BNB

Reginald Vance Calvert
2201 Ontario Dr.
Colorado Springs, CO 80910

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Title VII Complaint** to the above-named individuals on 9/1/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk