

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02044-BNB

CHRISTOPHER M. BELO,

Plaintiff,

v.

SOCIAL SECURITY,

Defendant.

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

OCT 02 2009

GREGORY C. LANGHAM  
CLERK

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**ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT**

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Plaintiff, Christopher M. Belo, acting *pro se*, initiated this action by filing a Complaint and a motion seeking leave to proceed *in forma pauperis*. The Complaint was incomplete. The Court instructed Mr. Belo to file a Complaint that included a statement of his claims and supporting allegations. Mr. Belo filed an Amended Complaint on September 28, 2009. The Court must construe the Amended Complaint liberally because Mr. Belo 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 act as an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Belo will be ordered to file a Second Amended Complaint.

The Amended Complaint is deficient because it does not comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The twin purposes of a complaint are to give the opposing parties fair notice of the basis for the

claims against them so that they may respond and to allow the court to conclude that the allegations, if proven, show that the plaintiff is entitled to relief. **See *Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas***, 891 F.2d 1473, 1480 (10th Cir. 1989). The requirements of Fed. R. Civ. P. 8 are designed to meet these purposes. **See *TV Communications Network, Inc. v. ESPN, Inc.***, 767 F. Supp. 1062, 1069 (D. Colo. 1991), ***aff'd***, 964 F.2d 1022 (10th Cir. 1992).

Specifically, Rule 8(a) provides that a complaint “must contain (1) a short and plain statement of the grounds for the court’s jurisdiction, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” The philosophy of Rule 8(a) is reinforced by Rule 8(d)(1), which provides that “[e]ach allegation must be simple, concise, and direct.” Taken together, Rules 8(a) and (d)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules. Prolix, vague, or unintelligible pleadings violate the requirements of Rule 8.

Mr. Belo fails to set forth a short and plain statement of the grounds for the Court’s jurisdiction. In other words, Mr. Belo fails to identify the statutory authority that allows the Court to consider the claims he is asserting in this action. Mr. Belo also fails to provide a short and plain statement of his claims showing that he is entitled to relief. Construing the Amended Complaint liberally, Mr. Belo may be asserting a claim for Social Security disability benefits. However, he does not allege that he is seeking judicial review of an administrative decision denying Social Security disability benefits or, if so, why he disagrees with any administrative decision he may be challenging.

For these reasons, Mr. Belo will be ordered to file a Second Amended Complaint if he wishes to pursue his claims in this court in this action. Accordingly, it is

ORDERED that Mr. Belo file, **within thirty days from the date of this Order**, a Second Amended Complaint that complies with the pleading requirements of Fed. R. Civ. P. 8 as discussed in this Order. It is

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

FURTHER ORDERED that, if Mr. Belo 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 October 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-02044-BNB

Christopher M. Belo  
815 Moline St.  
Aurora, CO 80010

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint** to the above-named individuals on 10/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk