

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02200-BNB

BRUCE CLIFFORD PETERSON,

Plaintiff,

v.

BRIAN MATOS - #05107, D.P.D. Badge No.,  
EIGHT UNKNOWN DENVER POLICE OFFICERS,  
THREE UNKNOWN DENVER HEALTH EMPLOYEES,  
JOHN DOE #1 (known only as Dr. Crum), and  
JOHN DOE #2 (known only as Chaplain Scott),

Defendants.

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

DEC 04 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

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Plaintiff, Bruce Clifford Peterson, is a prisoner in the custody of the Denver Sheriff Department. Mr. Peterson has filed a *pro se* amended civil rights complaint for money damages and injunctive relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3). He alleges that his constitutional rights have been violated. He paid the \$350.00 filing fee on September 21, 2009.

The Court must construe the amended complaint liberally because Mr. Peterson 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 discussed below, Mr. Peterson will be ordered to file a second amended complaint.

The Court has reviewed the amended complaint and finds that, although Mr. Peterson has made a good-faith effort to comply with the court's September 22 order, the amended complaint still fails to comply with the pleading requirements of Fed. R. Civ. P. 8. As Mr. Peterson previously was informed, 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. Peterson's amended complaint is repetitive and verbose. The amended complaint fails to set forth a short and plain statement of his claims showing that he is entitled to relief. **See** Fed. R. Civ. P. 8(a)(2). Rather than summarizing each claim succinctly, Mr. Peterson has filed a thirty-nine page document that provides a rambling

series of events. Instead, Mr. Peterson must assert, simply and concisely, his specific claims for relief, including the specific rights that allegedly have been violated and the specific acts of each defendant that allegedly violated his rights. In order for Mr. Peterson “to state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). Accordingly, it is

ORDERED that Mr. Peterson file **within thirty (30) days from the date of this order** a second amended complaint that complies with this order if he wishes to pursue his claims in this action. It is

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

FURTHER ORDERED that, if Mr. Peterson fails to file a second amended complaint that complies with this order to the court’s satisfaction within the time allowed, the action will be dismissed without further notice.

DATED December 4, 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-02200-BNB

Bruce Clifford Peterson  
Prisoner No. 1626805/0954093  
Denver County Jail  
P.O. Box 1108  
Denver, CO 80201

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 12/4/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk