

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02222-BNB

JERRY L. MASKE,

Plaintiff,

v.

FBI DENVER,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
OCT -2 2009
GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff Jerry L. Maske currently resides in Aurora, Colorado. Mr. Maske, acting *pro se*, initiated this action by filing a Complaint pursuant to 28 U.S.C. § 171. The Court must construe the Complaint liberally because Mr. Maske is a *pro se* litigant. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). If a complaint reasonably can be read “to state a valid claim on which the plaintiff could prevail, [the Court] should do so despite the plaintiff’s failure to cite proper legal authority, his confusion of various legal theories, his poor syntax and sentence construction, or his unfamiliarity with pleading requirements.” *Hall*, 935 F.2d at 1110. Nonetheless, even though the Court must construe Mr. Maske’s pleadings liberally, the pleadings must follow the rules of federal civil procedure. *See Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994), *cert denied*, 513 U.S. 1090 (1995). For the reasons stated below, the action will be dismissed.

There is no jurisdictional basis under 28 U.S.C. § 171 for Mr. Maske's claims. Previously, in **Maske v. FBI**, No. 09-cv-01773-ZLW (D. Colo. Sept. 3, 2009), Mr. Maske filed a complaint against the FBI asserting jurisdiction pursuant to 18 U.S.C. §§ 1961–1968, the Racketeer Influenced and Corrupt Organizations Act (RICO) and 18 U.S.C. § 242. In Case No. 09-cv-01773-ZLW, Mr. Maske failed to satisfy any of the four elements of a RICO claim and he did not have a private civil cause of action to assert his claims under § 242. The Court found in Case No. 09-cv-01773-ZLW, that Mr. Maske failed to meet the requirements set forth in Fed. R. Civ. P. 8 for stating a claim for relief in a federal court.

Since March 18, 2009, Mr. Maske has filed forty-four cases in this Court. Seven of the forty-four cases were filed on March 18, 2009. Subsequent to those seven cases being dismissed, Mr. Maske filed new actions in which he named the same defendants and asserted the same claims against them, but he identified a different basis for this Court's jurisdiction. The claims Mr. Maske asserts in this Complaint fail to meet the requirements of Fed. R. Civ. P. 8. Even when Mr. Maske is given the opportunity to amend and correct a Rule 8 deficiency, as he was given in **Maske v. Wilks**, No. 09-cv-00585-ZLW (D. Colo. May 15, 2009); **Maske v. The Peters Law Firm**, No. 09-cv-00584-ZLW (D. Colo. May 15, 2009); **Maske v. Mathys**, No. 09-cv-00583-ZLW (D. Colo. May 15, 2009); **Maske v. City and County of Denver**, No. 09-cv-00582-ZLW (D. Colo. May 15, 2009); **Maske v. Arapahoe County Office of the Clerk and Recorder**, No. 09-cv-00580-ZLW (D. Colo. May 15, 2009); **Maske v. Arapahoe County**, No. 09-

cv-00579-ZLW (D. Colo. May 15, 2009), he still is unable to set forth any claims that are within the guidelines of Rule 8.

The Court finds no jurisdictional basis for Mr. Maske's claims under 28 U.S.C. § 171. Mr. Maske is engaged in abusive litigation tactics, which will not be tolerated. This Complaint and action, therefore, will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

The Court notes, however, that in *Maske v. IBM Corp.*, No. 09-cv-01805-BNB (D. Colo. Filed July 30, 2009), an order was entered, on September 3, 2009, directing Mr. Maske to show cause within thirty days why he should not be sanctioned from filing any further cases in this Court without representation of an attorney licensed to practice in the State of Colorado, unless he first obtains leave of the Court to proceed *pro se* in the action. Accordingly, it is

ORDERED that the Complaint and action are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DATED at Denver, Colorado, this 2nd day of October, 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-02222-BNB

Jerry Maske
2705 Danube Way, Unit 101
Aurora, CO 80013

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the above-named individuals on 10/2/09

GREGORY C. LANGHAM, CLERK

By. 

Deputy Clerk