

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02705-BNB

MICHAEL P. LEWIS,

Plaintiff,

v.

ADT SECURITY SERVICES, INC.,

Defendant.

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

NOV 30 2009

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

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Plaintiff, Michael P. Lewis, initiated this action by filing a *pro se* Title VII Complaint. The Court must construe the Title VII Complaint liberally because Mr. Lewis 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. Lewis will be ordered to file an amended complaint.

The Court has reviewed the Title VII Complaint and has determined that it 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. Lewis’s Complaint, with exhibits, consists of 110 pages. His claims for relief are interspersed with large numbers of documents, many of which appear to be payroll documents. Further, although Mr. Lewis appears to assert three claims for relief, the claims for relief do not contain a “short and plain statement of the claim” showing that Mr. Lewis is entitled to relief. Fed. R. Civ. P. 8(a). Instead, the claims for relief contain different calculations for damages which Mr. Lewis believes are owed to him by Defendant. Rather than listing his claims in the Complaint, Mr. Lewis has attached to the form twenty pages of a single-spaced narrative regarding events that took place while he was employed by Defendant. Mr. Lewis’ claims are repetitive and prolix.

Therefore, the Court finds that the Title VII Complaint fails to comply with the pleading requirements of Rule 8. Mr. Lewis is instructed to file an Amended Complaint

that sets forth his claims on the Court-approved form in a simple and concise manner.

Accordingly, it is

ORDERED that Mr. Lewis file, **within thirty (30) days from the date of this order**, an 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. Lewis, together with a copy of this order, two copies of the following form: Title VII Complaint. It is

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

DATED November 30, 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-02705-BNB

Michael P. Lewis  
2220 Pinyon Jay Dr.  
Colorado Springs, CO 80951

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 11/30/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk