

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 10-cv-00188-PAB-BNB

LORI L. PARK,
Plaintiff,

v.

TD AMERITRADE TRUST COMPANY, INC.,
TD AMERITRADE, INC., and
TD AMERITRADE TRUST COMPANY CORPORATION,

Defendants.

ORDER

This matter is before me on a paper filed by the plaintiff entitled **Motion** [Doc. #24, filed 05/27/2010] (the “Motion”). The Motion is DENIED.

The plaintiff is proceeding *pro se*, and I must liberally construe her pleadings. Haines v. Kerner, 404 U.S. 519, 520-21 (1972). I cannot act as an advocate for a *pro se* litigant, however, who must comply with the fundamental requirements of the Federal Rules of Civil Procedure and the rules of this court. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991).

As a preliminary matter, I note that the caption of the Motion contains the names of defendants that are not listed in the extant Complaint. All future papers filed with the court must contain the proper caption.

The Motion raises several issues. First, the plaintiff asserts that she has met the court’s requirement to file proof of service on defendant Ameritrade Trust Company, Inc. I have addressed the service issue in a separate order to show cause.

Next, the plaintiff appears to request that I reconsider my Order dated May 25, 2010 [Doc. #23], wherein I denied without prejudice her attempt to file an amended complaint because the proposed amended complaint did not comply with Rule 8, Fed. R. Civ. P. I find no basis to reconsider my Order. The request to reconsider is denied.

Finally, the plaintiff states the following:

Wherefore, for this Court to deny Title VII 3rd Amended Complaint¹ leaves Ms. Park no choice but to ask the Court to dismiss without prejudice this Complaint so this Complaint can be revised and refiled in this Court if the Court will not reverse its decision to allow the Title VII 3rd Amended Complaint to stand and allow for extension of time so TD AMERITRADE ONLINE HOLDINGS CORP., TD AMERITRADE HOLDING CORPORATION, THE TORONTO-DOMINION BANK, INTERNATIONAL CLEARING TRUST COMPANY, JOSEPH H. MOGLIA, J. THOMAS BRADLEY, JR. may be promptly served and justice will ensue from this Court.

Motion, ¶ 10 (emphasis in original).

This paragraph is unintelligible. It is not clear what type of relief plaintiff is seeking. To the extent the plaintiff is seeking to dismiss this action without prejudice, she must file an unequivocal notice of dismissal in compliance with Rule 41(a)(1), Fed. R. Civ. P. In addition, all future motions shall state with particularity the relief sought and the grounds therefore. Fed. R. Civ. P. 7(b)(1). Failure to file an intelligible motion may result in sanctions.

D.C.Colo.LCivR 7.1H.

IT IS ORDERED that the Motion is DENIED.

¹The plaintiff refers to her proposed amended complaint as a “3rd Amended Complaint.” However, there has been no second or third amended complaint filed in this action. The plaintiff’s initial complaint [Doc. #1] is the extant complaint.

IT IS FURTHER ORDERED that all papers filed with the court must contain the proper caption and shall state with particularity the relief sought and the grounds for the relief.

IT IS FURTHER ORDERED that failure to comply with this order may result in the imposition of sanctions, including dismissal of the case.

Dated June 4, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge