

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00323-BNB

ELIZABETH HARTLEY,

Plaintiff,

v.

DEPARTMENT OF AGRICULTURE, Forest Service,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 18 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

Plaintiff initiated this action by submitting a Title VII Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on February 4, 2010. On February 16, 2010, the Court directed the Clerk of the Court to commence a civil action and ordered Ms. Hartley to cure certain deficiencies. Specifically, the Court ordered Ms. Hartley to file a complete complaint, on the court-approved form, that included Plaintiff's Request for Relief. The Court also ordered Ms. Hartley to file a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 that specified whether Ms. Hartley requested service of process by the United States Marshals Service.

Ms. Hartley filed an Amended Title VII Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 on March 12, 2010. Ms. Hartley was granted leave to proceed *in forma pauperis* on March 17, 2010.

The Court has reviewed the Amended Complaint and finds that it is deficient. The Amended Complaint is completely blank except for Plaintiff's Request for Relief. Plaintiff, however, is reminded that an amended complaint supersedes the original

complaint. **See *Balance v. Redman Homes, Inc.***, 759 F.2d 504, 508 (5th Cir. 1985); ***Cameron v. Figwort***, 705 F.2d 676 (2d Cir.1983); ***London v. Coopers & Lybrand***, 644 F.2d 811 (9th Cir. 1981); 6 C. Wright, A. Miller & M. Kane, ***Fed. Practice and Procedure*** § 1476 (1990). Accordingly, Plaintiff will be ordered to file a Second Amended Complaint.

The Second Amended Complaint must be submitted on the Court-approved form and must contain all claims, named parties, and requests for relief. Plaintiff is reminded that she must provide a short and plain statement of the basis for the Court's jurisdiction and of her claims so that the Court and the defendant understand what she is claiming in this action and are able to respond to those claims. Accordingly, it is

ORDERED that Plaintiff, Elizabeth Hartley, file **within thirty (30) days from the date of this order** a second amended complaint that complies with the directives in this order. It is

FURTHER ORDERED that the clerk of the Court mail to Ms. Hartley, together with a copy of this order, two copies of the following form to be used in submitting the second amended complaint: Title VII Complaint. It is

FURTHER ORDERED that, if Ms. Hartley fails to file a second amended complaint that complies with this order to the Court's satisfaction within the time allowed, the amended complaint and the action will be dismissed without further notice.

DATED March 18, 2010, 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

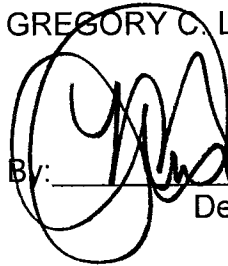
CERTIFICATE OF MAILING

Civil Action No. 10-cv-00323-BNB

Elizabeth L. Hartley
424 32 Road #17
Clifton, CO 81520

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 3/18/10

GREGORY C. LANGHAM, CLERK



By: _____

Deputy Clerk