

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00479-BNB

NETTIE JARVIS,

Plaintiff,

v.

CENTRAL PARKING SYSTEM,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 08 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Nettie Jarvis, initiated this action by filing *pro se* a Title VII complaint with a copy of a notice-of-right-to-sue letter and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. In an order filed on March 2, 2010, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Ms. Jarvis to cure certain deficiencies if she wished to pursue her claims.

Specifically, Magistrate Judge Boland ordered Ms. Jarvis, within thirty days, to submit an amended complaint that asserted claims for relief and to submit a completed § 1915 motion and affidavit with her notarized signature. On March 23, she submitted an amended Title VII complaint with a copy of her notice-of-right-to-sue letter but without any asserted claims. On the same day, she also submitted a completed § 1915 motion and affidavit with her notarized signature. However, she forgot to specify whether she wanted service by the United States Marshals Service. On March 29, 2010, Magistrate Judge Boland entered a minute order directing Ms. Jarvis to clarify

whether she did or did not request service by the United States Marshals Service. On April 1, 2010, Ms. Jarvis submitted a response to the minute order requesting service by the United States Marshals Service.

On May 3, 2010, Magistrate Judge Boland entered an order granting Ms. Jarvis leave to proceed *in forma pauperis* pursuant to § 1915, and finding that the amended Title VII complaint Ms. Jarvis filed on March 23 failed to meet the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Magistrate Judge Boland noted Ms. Jarvis misunderstood that she must cure the designated deficiencies in the Title VII complaint by submitting an amended Title VII complaint that asserted claims and did not simply refer to an attached notice-of-right-to-sue letter. Magistrate Judge Boland pointed out that it was neither a judicial function nor Defendant's responsibility to speculate about the claims Ms. Jarvis wanted to allege. Magistrate Judge Boland emphasized Ms. Jarvis's job was to present her claims in a manageable format that allowed the Court and Defendant to know what claims were being asserted and to be able to respond to those claims. He also emphasized that Ms. Jarvis must allege, simply and concisely, her specific claims for relief. He noted that she may attach documents to the amended Title VII complaint, but she may not rely solely on those documents to present her claims.

Magistrate Judge Boland determined Ms. Jarvis should be given one final opportunity to cure the deficiencies designated in the March 2 order to cure and directed her in the May 3 order to file within thirty days a fully completed second amended Title VII complaint that complied with Fed. R. Civ. P. 8. The May 3 order explained in detail the steps Ms. Jarvis needed to take in order to submit such a second

amended complaint. Magistrate Judge Boland warned Ms. Jarvis that, if she failed to submit a second amended Title VII complaint that complied with the May 3 order as directed, the amended Title VII complaint and the action would be dismissed without further notice.

On May 6, 2010, Ms. Jarvis submitted a second amended Title VII complaint almost identical to the amended complaint she previously filed, i.e., lacking any asserted claims. Therefore, Ms. Jarvis has failed, within the time allowed, to comply with the May 3 order for a second amended Title VII complaint that complies with the pleading requirements of Fed. R. Civ. P. 8.

Accordingly, it is

ORDERED that the second amended Title VII complaint filed by Plaintiff, Nettie Jarvis, and the action are dismissed without prejudice for failure to comply with the May 3, 2010 order and the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure.

DATED at Denver, Colorado, this 8th day of June, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-00479-BNB

Nettie Jarvis
5601 N. Federal Blvd. #2B
Denver, CO 80221

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 6/8/10

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk