

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00482-BNB

BRIAN KEITH JONES,

Plaintiff,

v.

FREMONT CORRECTIONAL FACILITY,

Defendant.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 31 2010

GREGORY C. LANGHAM  
CLERK

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SECOND ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

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On March 29, 2010, Plaintiff, Brian Keith Jones, acting *pro se*, filed a Motion for Discovery. In the Motion, Mr. Jones claims that he is unable to comply with the Court's order entered on March 9, 2010, directing him to file an Amended Complaint. Mr. Jones asserts that he needs a list of the individuals who are responsible for processing his mail from November 2007 through April 4, 2008, so that he may identify the proper defendants.

The Court is unable to effect service of process, even for the purpose of discovery without any properly named defendants. Mr. Jones may use fictitious names, such as "John or Jane Doe," if he does not know the real names of the individuals who allegedly violated his rights. However, if Mr. Jones uses fictitious names he must provide sufficient information about each defendant, including an address, so that they can be identified for purposes of service.

Mr. Jones also filed a "Motion Requesting Extension of Time to Show Cause Why he has no Assets, no Means to Pay Monthly." In the Motion, Mr. Jones appears

to assert that he was denied a certified account statement on March 22, 2010. Mr. Jones' request for a certified account statement, which is attached to the Motion, indicates that he requested a certified account statement on March 18, 20, and 21, 2010, which resulted in his request for a statement on March 22 being denied. Mr. Jones does not assert he was not given an account statement on either March 18, 20, or 21. Furthermore, Exhibit B, which is a copy of correspondence that Mr. Jones apparently received from the El Paso County Combined Courts, does not pertain to this Court or Mr. Jones' inability to submit a certified copy of his trust found account statement to this Court. Mr. Jones fails to assert why he should be allowed an extension of time to submit a certified account statement. Furthermore, Mr. Jones is not required to submit a certified account statement until April 15, 2010. The Motion Requesting Extension will be denied. Accordingly, it is

ORDERED that **within thirty days from the date of this Order** Mr. Jones shall file an Amended Complaint that complies with this Order and the March 9, 2010, Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Jones, together with a copy of this Order, two copies of the Prisoner Complaint form for use in submitting the Amended Complaint. It is

FURTHER ORDERED that if Mr. Jones fails to file an Amended Complaint, within the time allowed, the Complaint and the action will be dismissed without further notice. It is

FURTHER ORDERED that Mr. Jones' Motion for Discovery (Doc. No. 8) filed on March 29, 2010, is DENIED. It is

FURTHER ORDERED that Mr. Jones' Motion Requesting Extension of Time  
(Doc. No. 9) filed on March 30, 2010, is DENIED.

DATED March 31, 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-00482-BNB

Brian Keith Jones  
Prisoner No. 129556  
El Paso County Det. Facility  
2739 E. Las Vegas  
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of this **ORDER** and **two copies of the Prisoner Complaint** to the above-named individuals on 3/31/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk