

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00949-BNB

MAHMOUD ALZIDANI,

Plaintiff,

v.

BRIDGE-LINGUATEC,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 05 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

Plaintiff, Mahmoud Alzidani, initiated this action by filing a *pro se* complaint on April 19, 2010. On April 27, 2010, the Court directed the clerk of the court to commence a civil action, and ordered Mr. Alzidani to cure certain deficiencies. Specifically, Mr. Alzidani was directed to file a complete complaint on the court-approved form. Mr. Alzidani filed an Amended Complaint on April 30, 2010. Mr. Alzidani was granted leave to proceed *in forma pauperis* by order dated May 3, 2010.

The Court has reviewed the Amended 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. Alzidani fails to provide a short and plain statement of the grounds for the Court’s jurisdiction over the claims he is asserting. Mr. Alzidani must complete the “Jurisdiction” section of the Second Amended Complaint, and notify the Court, and Defendant, regarding the statutory authorities under which he asserts his claims.

Mr. Alzidani also fails to provide a short and plain statement of his claims showing that he is entitled to relief. In order to state a claim in federal court, Mr. Alzidani “must explain what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” ***Nasious v. Two Unknown B.I.C.E. Agents***, 492 F.3d 1158, 1163 (10th Cir. 2007). The Amended Complaint filed by Mr. Alzidani lacks any detailed allegations that explain why he is suing Defendant in this court in this action. The general rule that ***pro se*** pleadings must be construed liberally has limits

and “the court cannot take on the responsibility of serving as the litigant’s attorney in constructing arguments and searching the record.” ***Garrett v. Selby Connor Maddux & Janer***, 425 F.3d 836, 840 (10th Cir. 2005). For all of these reasons, Mr. Alzidani will be ordered to file a second amended complaint. Accordingly, it is

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

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

DATED May 5, 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-00949-BNB

Mahmoud Alzidani
2355 E. Iliff Ave. #3
Denver, CO 80210

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Complaint** to the above-named individuals on 5/5/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk