

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01358-BNB

KHADIGA HANFAREY,

Plaintiff,

v.

HSS SECURITY,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 15 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Khadiga Hanfarey, has filed *pro se* a Title VII Complaint. The Court must construe the Title VII Complaint liberally because Ms. Hanfarey is not represented by an attorney. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Ms. Hanfarey will be ordered to file an amended complaint.

The Court has reviewed the Title VII Complaint and has determined that the Title VII Complaint 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.

Ms. Hanfarey fails to provide a short and plain statement of her claims showing that she is entitled to relief. Ms. Hanfarey has checked a variety of blanks on the preprinted Title VII Complaint form indicating that Defendant discriminated against her based on race, color, religion, sex and national origin by demotion or discharge from employment. However, Ms. Hanfarey fails to assert any facts in support of these vague and conclusory allegations that indicate she is entitled to relief. Although Ms. Hanfarey attaches to her Title VII Complaint a copy of a Final Decision of the Equal Employment Opportunity Commission rejecting her administrative claim, that decision does not provide the Court with the factual basis for the claims Ms. Hanfarey is asserting in this action.

Therefore, Ms. Hanfarey will be ordered to file an amended complaint if she wishes to pursue her claims in this action. Ms. Hanfarey is advised that she must

provide a short and plain statement of her claims that allows the Court and Defendant to understand what she is claiming in this action and to be able to respond to those claims. Accordingly, it is

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

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

DATED June 15, 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-01358-BNB

Khadiga Hanfarey
6825 E. Cliff Ave. Apt. 304
Denver, CO 80224

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 6/15/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk