

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01888-BNB

LESTER L. WASHINGTON, MA, M.ED., ABD,

Plaintiff,

v.

COLORADO STATE UNIV. FC, CSUBOG, HDFFS, et al.,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 27 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING PLAINTIFF TO FILE FINAL AMENDED COMPLAINT

Plaintiff, Lester L. Washington, initiated this action by filing *pro se* a Title VII Complaint (Doc. #3). On August 17, 2010, the court ordered Mr. Washington to file an amended complaint that complies with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. On September 15, 2010, Mr. Washington filed an amended Title VII Complaint (Doc. #10) and a motion seeking leave to file another amended pleading if necessary (Doc. #9). On September 23, 2010, Mr. Washington filed three more amended Title VII Complaints, labeled version 1 (Doc. #12), version 2 (Doc. #13), and version 3 (Doc. #16). Mr. Washington also filed on September 23, 2010, a motion requesting service of the summons and complaint by the United States Marshal (Doc. #14) and a motion for leave to file the three amended versions of his Title VII Complaint (Doc. #15).

The court must construe the documents filed by Mr. Washington liberally because he 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, Mr. Washington will be ordered to file a final amended complaint.

After reviewing Mr. Washington's original complaint in this action, the court advised Mr. Washington in the August 17 order directing him to file an amended complaint that the general rule of construing *pro se* pleadings 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). Similarly, the court will not take on the responsibility of reviewing and selecting from among the multiple amended pleadings Mr. Washington has submitted for filing in this action. The court finds that submitting four separate amended pleadings and asking the court to choose from among those pleadings does not comply with the court's August 17 order. Therefore, the court will not consider any of the four amended pleadings filed in this action on September 15 and September 23. Instead, Mr. Washington will be given one final opportunity to submit a single amended pleading that complies with the pleading requirements of the Federal Rules of Civil Procedure as discussed in the court's August 17 order. Accordingly, it is

ORDERED that Mr. Washington file, **within thirty (30) days from the date of this order**, a final amended complaint that complies with the pleading requirements of Fed. R. Civ. P. 8 as discussed in the court's August 17, 2010, order. It is

FURTHER ORDERED that the clerk of the court mail to Mr. Washington, together with a copy of this order, two copies of the following form: Title VII Complaint.
It is

FURTHER ORDERED that, if Mr. Washington fails within the time allowed to file a final amended complaint that complies with the pleading requirements of the Federal Rules of Civil Procedure, the action will be dismissed without further notice. It is

FURTHER ORDERED that the motion to file another amended pleading (Doc. #9) is DENIED as moot and the motion to file three amended versions of the Title VII Complaint (Doc. #15) is DENIED. It is

FURTHER ORDERED that the motion requesting service of the summons and complaint (Doc. #14) is DENIED as premature.

DATED September 27, 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-01888-BNB

Lester L. Washington
P.O. Box 494
Fort Collins, CO 80522-0494

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 9/27/10

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk