

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02470-BNB

ARETHA MYLES MARTIN,

Plaintiff,

v.

HIGH PLAINS CORRECTIONAL FACILITY,  
RON MURRAY, Warden,  
TAMI ANDIGG,  
REBECCA HUTCHESON, Nurse Practitioner, and  
ANTHONY DeCESARO,

Defendants.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 02 2010

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

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Plaintiff, Aretha Myles Martin, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Denver Women's Correctional Facility in Denver, Colorado. On September 28, 2010, Ms. Martin, acting *pro se*, submitted to the Court a Prisoner Complaint pursuant to 28 U.S.C. § 1343 and 42 U.S.C. § 1983.

Magistrate Judge Boyd N. Boland reviewed the Complaint and entered an order on November 10, 2010, directing Ms. Martin to file an Amended Complaint in keeping with *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158 (10th Cir. 2007). Ms. Martin further was instructed to assert personal participation by each named defendant. On November 29, 2010, Ms. Martin filed an Amended Complaint.

Ms. Martin has failed to comply with the Court's November 10 Order. Ms. Martin does not identify any claims under Section "D. Cause of Action," or provide a statement under Section "C. Nature of the Case," regarding the background of the case. Also,

rather than providing supporting facts under Claim One, Ms. Martin states, "All Documentation Attached to 1st Complaint." Furthermore, the vague and conclusory statements Ms. Martin makes on the caption page of the Prisoner Complaint form about each named defendant are inappropriately stated on the caption page, and they also fail to comply with the standard set forth in *Nasious*.

The Court will allow Ms. Martin a final opportunity to submit a complaint that complies with *Nasious*. Ms. Martin is instructed to complete the Prisoner Complaint form properly by stating the claims she is raising under Section "D. Cause of Action." Ms. Martin also is instructed to state all of the information regarding a specific claim under the heading for that claim in Section D. All supporting information should be included under the heading for the particular claim, including the names of all defendants who participated in the constitutional violation identified in that claim. Ms. Martin may not refer to attachments in place of stating the supporting facts for each claim. As Ms. Martin was instructed in the November 10 Order, the Court is not required to review attachments to a Prisoner Complaint form to determine what facts may support Ms. Martin's claims. Accordingly it is

ORDERED that Ms. Martin file **within thirty days from the date of this Order** a Second Amended Complaint that complies with this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Ms. Martin, together with a copy of this Order, two copies of the Prisoner Complaint form to use in filing her Second Amended Complaint. It is

FURTHER ORDERED that if Ms. Martin fails to comply with this Order to the Court's satisfaction, within the time allowed, the action will be dismissed without further notice.

DATED December 2, 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-02470-BNB

Aretha Myles Martin  
Prisoner No. 90897  
Denver Women's Corr. Facility  
PO Box 392005  
Denver, CO 80239

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Prisoner Complaint** to the above-named individuals on 12/2/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk