

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02555-BNB

CANDY COPPINGER,

Plaintiff,

v.

EXECUTIVE DIRECTOR ARISTEDES W. ZAVARAS,  
GRIEVANCE OFFICER ANTHONY DeCESARO,  
WARDEN LARRY REID,  
ASSOCIATE WARDEN KELLIE WASKO,  
MAJOR McGOWN,  
MAJOR THOMPSON,  
CAPTAIN FILER,  
LIEUTENANT SCOLERI,  
LIEUTENANT HUGHBANKS,  
SARGENT MINJAREZ,  
SARGENT SALAZAR,  
CORRECTION OFFICER MILLER,  
GRIEVANCE COORDINATOR ELMA BIRD, and  
UNKNOWN AT THIS TIME,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 02 2010

GREGORY C. LANGHAM  
CLERK

---

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

---

Plaintiff, Candy Coppinger, is a prisoner in the custody of the Colorado Department of Corrections and is incarcerated at the La Vista Correctional Facility in Pueblo, Colorado. Ms. Coppinger, acting *pro se*, initiated this action by filing a Prisoner Complaint alleging that her constitutional rights are being violated. Ms. Coppinger seeks money damages and declaratory and injunctive relief.

The Court must construe the Complaint liberally because Ms. Coppinger is a *pro se* litigant. **See *Haines v. Kerner***, 404 U.S. 519, 520-21 (1972); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991). However, the Court should not act as a *pro se* litigant's advocate. **See *Hall***, 935 F.2d at 1110. For the reasons stated below, Ms. Coppinger will be ordered to file an Amended Complaint.

Ms. Coppinger must assert personal participation by all named defendants. **See *Bennett v. Passic***, 545 F.2d 1260, 1262-63 (10<sup>th</sup> Cir. 1976). To establish personal participation, Ms. Coppinger must name and show how each individual caused the deprivation of a federal right. **See *Kentucky v. Graham***, 473 U.S. 159, 166 (1985). There must be an affirmative link between the alleged constitutional violation and each defendant's participation, control or direction, or failure to supervise. **See *Butler v. City of Norman***, 992 F.2d 1053, 1055 (10<sup>th</sup> Cir. 1993). A defendant may not be held liable on a theory of respondeat superior merely because of his or her supervisory position. **See *Pembaur v. City of Cincinnati***, 475 U.S. 469, 479 (1986); ***McKee v. Heggy***, 703 F.2d 479, 483 (10<sup>th</sup> Cir. 1983).

Although Ms. Coppinger has asserted what the majority of the named defendants did to violate her constitutional rights, she has not asserted what at least two of the named defendants did. Ms. Coppinger will be directed to file an Amended Complaint that alleges how all named defendant personally participated in the asserted constitutional violations.

Ms. Coppinger also is instructed that to state a claim in federal court, she must explain in her Amended Complaint what each defendant did to her, when the defendant

did the action, how the action harmed her, and what specific legal right she believes the defendant violated. *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10<sup>th</sup> Cir. 2007). Accordingly, it is

ORDERED that Ms. Coppinger file **within thirty days from the date of this Order** an Amended Complaint that is in keeping with the instant Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Ms. Coppinger, together with a copy of this Order, two copies of a Court-approved Prisoner Complaint form to be used in submitting the Amended Complaint. It is

FURTHER ORDERED that if Ms. Coppinger fails within the time allowed to file an Amended Complaint that complies with this Order, to the Court's satisfaction, the Court will be proceed to review the merits of all claims without consideration of named defendants against whom claims are not alleged. It is

FURTHER ORDERED that process shall not issue until further order of the Court.

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**

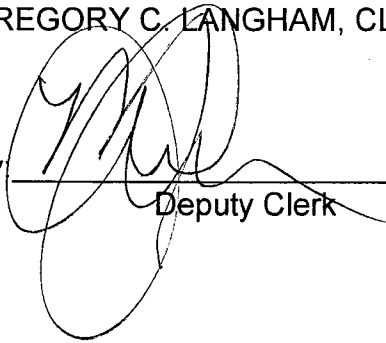
Civil Action No. 10-cv-02555-BNB

Candy Coppinger  
Prisoner No. 59072  
La Vista Corr. Facility  
1401 W. 17<sup>th</sup> Street  
Pueblo, CO 81003

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