

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-03150-BNB

BRADLEY D. BROSWICK,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, et al.,

Defendants.

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

MAR -2 2011

GREGORY C. LANGHAM  
CLERK

---

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

---

Plaintiff, Bradley D. Brosnick, is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Buena Vista Correctional Complex-Main & Boot Camp in Buena Vista, Colorado. Mr. Brosnick, acting *pro se*, has filed a Prisoner Complaint pursuant to 42 U.S.C. § 1983. The Court must construe the Complaint liberally because Mr. Brosnick is a *pro se* litigant. *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 act as a *pro se* litigant's advocate. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Brosnick will be ordered to file an Amended Complaint.

Mr. Brosnick must name the parties who are responsible for violating his constitutional rights and assert each defendant's personal participation in the alleged constitutional violations. Personal participation is an essential allegation in a civil rights action. *See Bennett v. Passic*, 545 F.2d 1260, 1262-63 (10th Cir. 1976). To establish

personal participation, Mr. Broswick must show that each defendant 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 (10th Cir. 1993). A named defendant may not be held liable 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 (10th Cir. 1983).

To state a claim in federal court, a complaint must explain what each defendant did to harm a plaintiff, when the defendant did it, how the defendant's action harmed the plaintiff, 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).

Mr. Broswick also should note that he may use fictitious names, such as "Appropriate Shift Commander(s), Unknown" if he does not know the real names of the individuals who allegedly violated his rights. However, if Mr. Broswick uses fictitious names he must provide sufficient information about each defendant so that they can be identified for purposes of service. Furthermore, Rule 10.1 of the Local Rules of Practice for this Court requires that all papers filed in cases in this Court be double-spaced and legible. **See D.C.COLO.LCivR 10.1E. and G.** Mr. Broswick's Complaint is single-spaced and the print is too small to read.

Mr. Broswick is instructed to file an Amended Complaint that states what each named defendant did to violate his constitutional rights in keeping with ***Nasious***. Also,

in the Amended Complaint, Mr. Broswick must provide enough information about each named defendant so that service may be effected and he must double-space and print his claims legibly. Accordingly, it is

ORDERED that **within thirty days from the date of this Order** Mr. Broswick file an Amended Complaint that complies with this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Broswick, together with a copy of this Order, two copies of the Prisoner Complaint form for use in submitting the Amended Complaint. It is

FURTHER ORDERED that if Mr. Broswick fails within the time allowed to file an Amended Complaint that complies with this Order, to the Court's satisfaction, the Complaint and the action will be dismissed without further notice.

DATED March 2, 2011, 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**

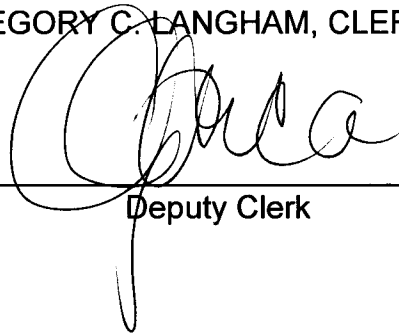
Civil Action No. 10-cv-03150-BNB

Bradley D Broswick  
Prisoner No. 133047  
Buena Vista Correctional Complex  
PO Box 2017  
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER and two copies of the Prisoner Complaint form** to the above-named individuals on March 2, 2011.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'G. Langham', is written over a horizontal line. The signature is cursive and somewhat stylized.

Deputy Clerk