

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00974-REB-KLM

OJORE N. LUTALO,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER CORPORATION (“AMTRAK”),
LENINOVA FAYDO, in her official and individual capacities, and
JAMES BULLERWELL, II, in his official and individual capacities,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants’ **Motion for a More Definite Statement** [Docket No. 12; Filed May 11, 2011] (the “Motion”). Defendants assert that they cannot answer or otherwise appropriately respond to Plaintiff’s Amended Complaint [Docket No. 8] because it “does not specify which claims are asserted against which Defendants, and therefore does not provide each Defendant with notice of the causes of action asserted against [him or her] individually.” *Motion* [#12] at 2. Accordingly, Defendants seek an order directing Plaintiff to amend his Amended Complaint.

After reviewing Plaintiff’s Amended Complaint, the Court agrees with Defendants that revision is warranted, as “restructuring along the lines contemplated by [Fed. R. Civ. P.] 10(b) would meaningfully facilitate a clearer presentation of the issues.” *SEC v. Nacchio*, No. 05-cv-00480-MSK-CBS, 2006 WL 2793149, at *4 (D. Colo. Sept 27, 2006)

(unreported decision). Plaintiff must separately state each of his claims under its own heading. See Fed. R. Civ. P. 10(b) (“If doing so would promote clarity, each claim founded on a separate transaction or occurrence . . . must be stated in a separate count[.]”). There must only be a “single, discrete claim for relief” under each heading. *Nacchio*, 2006 WL 2793149, at *4. Plaintiff also must clearly identify the Defendant against whom each claim is asserted. See *Lazarov v. Kimmel*, No. 10-cv-01238-CMA, 2010 WL 2301749, at *2 (D. Colo. June 8, 2010) (unreported decision) (stating that a plaintiff must “clearly articulate her specific claims for relief against each Defendant”); *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007) (stating that a plaintiff’s complaint “must explain what **each** defendant did to him; when the defendant did it; how the defendant’s action harmed him; and, what specific legal right the plaintiff believes the defendant violated” (emphasis added)).

IT IS HEREBY **ORDERED** that the Motion [#12] is **GRANTED**.

IT IS FURTHER **ORDERED** that Plaintiff shall file a second amended complaint in accordance with the instructions provided in this Order on or before **May 25, 2011**.

IT IS FURTHER **ORDERED** that Plaintiff’s failure to comply with this Order may result in the Court issuing a recommendation to dismiss this case without prejudice.

DATED: May 17, 2011 at Denver, Colorado.

BY THE COURT:

s/ Kristen L. Mix
Kristen L. Mix
United States Magistrate Judge