

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01824-WYD-KLM

LILIA E. GARCIA,

Plaintiff,

v.

IRS, INTERNAL REVENUE SERVICE,

Defendant.

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MINUTE ORDER

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ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Motion for a More Definite Statement by Defendant IRS, Internal Revenue Service** [Docket No. 7; July 13, 2012] (the "Motion"). Defendant seeks a more definite statement pursuant to Fed. R. Civ. P. 12(e) from Plaintiff on the basis that the Complaint [#5] submitted by Plaintiff is "virtually illegible." *Motion* [#7] at 1. A motion pursuant to Fed. R. Civ. P. 12(e) is generally disfavored by the Court. *Daley v. Reg'l Transp. Dist.*, 142 F.R.D. 481, 485 n.3 (D. Colo. 1992). As such, it is rarely granted unless the complaint is "so excessively vague and ambiguous as to be unintelligible" or defendant would be prejudiced in its attempt to answer it. *Greater N.Y. Auto. Dealers Ass'n v. Env't Sys. Testings, Inc.*, 211 F.R.D. 71, 76 (E.D.N.Y. 2002) (citation omitted). Here, however, the Court has examined Plaintiff's Complaint, which is handwritten on a pre-printed form from a Colorado state court, and agrees with Defendant that the Complaint is "virtually illegible" and that Defendant would be prejudiced in its attempt to answer it. See also D.C.COLO.LCivR 10.1G. (mandating that "[a]ll papers and signatures shall be legible"). Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#7] is **GRANTED**. Plaintiff shall file an Amended Complaint **on or before September 4, 2012**. The Amended Complaint shall set forth allegations related to Defendant's conduct and the specific legal right this conduct violates. See *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). The complaint must provide "the defendant sufficient notice to begin preparing its defense and the court sufficient clarity to adjudicate the merits." *Id.* "[T]o state a claim in federal court, [Plaintiff's Amended Complaint] must explain what each defendant did to . . . her; when the defendant did it; how the defendant's actions harmed . . . her; and, what specific legal right the plaintiff believes the defendant violated." *Nasious*, 492 F.3d at 1163. In addition, the Amended Complaint must either be typewritten or written in legible handwriting.

Dated: August 17, 2012