

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02573-BNB

RAY MONDRAGON,

Plaintiff,

v.

DOUG CAMPING,
KEVIN CAMPING, and
CAMPING COMPANIES,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Ray Mondragon, initiated this action on September 27, 2012, by filing *pro se* a Complaint (ECF No. 1). He has been granted leave to proceed pursuant to 28 U.S.C. § 1915 based on his inability to pay the filing fee in this action.

The Court must construe the Complaint liberally because Mr. Mondragon is not represented by an attorney. *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 be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Mondragon will again be ordered to file an amended complaint.

On November 5, 2012, the Court reviewed the Complaint and determined that it was deficient because it failed to assert a jurisdictional basis for Plaintiff's claims. The Court entered an order directing Plaintiff to file an amended complaint that asserted jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) or § 1332 (diversity jurisdiction).

Mr. Mondragon filed a “Motion to amend and assert jurisdiction, as requested” (ECF No. 9) on December 3, 2012. In the motion, Plaintiff states that Defendant Camping Companies has its corporate offices in Arizona, but has a main office in Commerce City, Colorado, and that Defendant Camping Companies’ employees “work under the laws of Colorado.”

To support diversity jurisdiction, the Plaintiff must allege facts in the Complaint to show that the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a); **see also *Arbaugh v. Y&H Corp.***, 546 U.S. 500, 513 (2006). Accordingly, it is

ORDERED that “Motion to amend and assert jurisdiction, as requested” (ECF No. 9), filed on December 3, 2012, is **granted**. **Plaintiff should include all facts relevant to the citizenship of the parties in the amended complaint.** It is

FURTHER ORDERED that Plaintiff, Ray Mondragon, file, **within thirty (30) days from the date of this order**, an amended complaint that complies with the directives in this Order. It is

FURTHER ORDERED that Mr. Mondragon shall obtain the Court-approved Complaint form, along with the applicable instructions, at www.cod.uscourts.gov. Alternatively, Plaintiff may obtain the Court-approved form from the Clerks Office of the United States District Court, 901 19th Street, Denver, Colorado, 80294. It is

FURTHER ORDERED that, if Mr. Mondragon fails to file an amended complaint **within thirty (30) days from the date of this order**, the deficient claims in the

Complaint will be dismissed for the reasons discussed in this Order.

DATED December 10, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge