

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02889-BNB

ABDULLAH KRU AMIN, #40017, Interstate Corrections Compact Prisoner Wyoming,

Plaintiff,

v.

TOM CLEMENTS, Executive Director DOC,
STEVE HARTLEY, Warden, A.V.C.F.,
WILLIAM MANUEL GOMEZ, Disciplinary Officer, Chairman,
MAJOR CALEY, Disciplinary Appeal Appointee,
IVETTE RUIZ, Colo. Mental Health,
DON BOYER, Colo. Classification Interstate Compact,
CARL VOIGTSBERGER, Wyo. Classification/Housing/Interstate Compact,
COLO. ATTORNEY GENERAL,
WYO ATTN. GENERAL,
GRONEMEYER, Colo. Shift Command Lt.,
RON LAMPERT, Wyoming Director, Wyoming Department of Corrections, and
MS. McKINNON, Director SOTMP,

Defendants.

ORDER TO FILE AMENDED PRISONER COMPLAINT

Plaintiff, Abdullah Kru Amin, is a prisoner in the custody of the Colorado Department of Corrections under the Interstate Corrections Compact. Plaintiff was transferred from the Wyoming Department of Corrections to Colorado in 2009 and currently is incarcerated at the Centennial Correctional Facility in Cañon City, Colorado. Plaintiff, acting *pro se*, initiated this action by filing a Prisoner Complaint, in which he presents four claims.

The Court must construe the Complaint liberally because Plaintiff 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 act as an advocate for a *pro se* litigant. See *Hall*, 935 F.2d at 1110. For the reasons stated below, Plaintiff will be ordered to amend the Complaint.

Claims One and Two challenge Plaintiff's current sex offender classification and are asserted against Defendants Ivette Ruiz, Don Boyer, Carl Voitsberger, Ms. McKinnon, and Steve Hartley. Claim Three involves a disciplinary action and is asserted against Tom Clements, Lt. Gronemeyer, William Gomez, and Steve Hartley. Claim Four involves Plaintiff's current removal from general population without due process pending an investigation of his involvement in an alleged sexual assault. Plaintiff fails to state how any of the named defendants violated his due process rights in Claim Four.

Plaintiff also fails to assert how Defendants Steve Hartley, Major Caley, Ron Lampert, Colorado Attorney General, and Wyoming Attorney General personally participated in any of the four claims. 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, Plaintiff 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).

In addition, "to state a claim in federal court, a 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 [Plaintiff] believes the defendant violated.”

Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007).

Accordingly, it is

ORDERED that within thirty days from the date of this Order Plaintiff file an Amended Complaint consistent with the above directives. It is

FURTHER ORDERED that Plaintiff shall obtain the Court-approved Prisoner Complaint form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that if Plaintiff fails within the time allowed to file an Amended Complaint that complies with this Order, the Court will proceed with a review of the merits of only Claims One through Three as asserted against Defendants Tom Clements, William Gomez, Ivette Ruiz, Don Boyer, Carl Voigtsberger, Lt. Gronemeyer, and Ms. McKinnon. It is

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

DATED January 15, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge