

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 13-cv-01695-PAB

ZITA M. VIVO,

Plaintiff,

v.

BRENDA,

Defendant.

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**ORDER**

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This matter is before the Court on the Notice [Docket No. 7] filed by plaintiff Zita M. Vivo.<sup>1</sup> On June 27, 2013, plaintiff filed a complaint in this case [Docket No. 1]. Plaintiff's complaint did not provide sufficient facts in support of her claim or claims and did not sufficiently assert the basis for this Court's subject matter jurisdiction. The claim consisted of only four words and no defendant is specifically identified. See Docket No. 1. On July 1, 2013, the Court directed plaintiff to show cause why this case should not be dismissed because the complaint does not comply with Fed. R. Civ. P. 8(a) and due to this Court's lack of subject matter jurisdiction. See Docket No. 6 at 3.

In the notice, plaintiff provides additional factual allegations about the nature of her claim or claims against defendant. However, even construing plaintiff's notice

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<sup>1</sup>Because plaintiff is proceeding pro se, the Court construes her pleadings liberally. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, it is not the proper function of the Court to assume the role of advocate for the pro se plaintiff. *Hall*, 935 F.2d at 1110. The Court will construe plaintiff's Notice as a response to the order to show cause.

liberally, her allegations fall short of the pleading requirements imposed by Rule 8 of the Federal Rules of Civil Procedure. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). No defendant is identified and no specific wrong committed by another person is stated. Moreover, plaintiff's notice does not state any basis for the Court's subject matter jurisdiction. Accordingly, because plaintiff's response to the order to show cause does not provide any information curing the aforementioned deficiencies, the Court will dismiss plaintiff's complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Cunningham v. BHP Petroleum Great Britain PLC*, 427 F.3d 1238, 1245 (10th Cir. 2005).

For the foregoing reasons, it is

**ORDERED** that plaintiff's complaint is dismissed without prejudice due to the Court's lack of subject matter jurisdiction. It is further

**ORDERED** that this case is closed in its entirety.

DATED July 8, 2013.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge