

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-02982-BNB

THOMAS STOCKS,

Plaintiff,

v.

LT. NATHAN FOGG,  
SGT. MICHAEL MORRIS,  
DEPUTY P. BOLTE,  
MICHAEL BALDING,  
DEPUTY LITWEITER,  
JOHN WEILER,  
DEPUTY ANTILLA, and  
SGT. CHRISTOPHER GABRIEL,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO FILE  
AN AMENDED COMPLAINT**

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Plaintiff, Thomas Stocks, currently resides in Aurora, Colorado. Acting *pro se*, Plaintiff initiated this action by filing a Complaint on October 31, 2013. 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). The Court, however, should not act as a *pro se* litigant's advocate. See *Hall*, 935 F.2d at 1110.

Plaintiff fails to assert in each claim how a named defendant personally participated in the alleged violations. 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). A supervisor is only liable for constitutional violations that they cause. See *Dodds v. Richardson, et al.*, 614 F.3d 1185 (10th Cir. 2010) (Tymkovich, J., concurring).

To state a claim in federal court, Plaintiff 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 he believes the defendant violated. See *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007).

Also, pursuant to Rule 8.1A. of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, "[a] *pro se* party shall use the forms established by this court to file an action." Plaintiff must state each claim, in Section D. of the complaint form, in a short and concise format and include a statement of the rights violated and the actions committed by each defendant that show how they violated his rights. Plaintiff also is to provide all requested information in the Complaint form. Accordingly, it is

ORDERED that Plaintiff file an Amended Complaint as instructed above, **within thirty days from the date of this Order**. It is

FURTHER ORDERED that Plaintiff shall obtain the proper Court-approved form,

along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov) for use in filing the Amended Complaint. It is

FURTHER ORDERED that if Plaintiff fails to comply with this Order within the time allowed the Court will proceed to review the merits of the claims as presented in the original Complaint.

DATED December 2, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge