

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03395-BNB

CHESTER LEE HUGGINS,

Plaintiff,

v.

JOHN F. REILLY, 4941,
ANDY KLINKERMAN, 4924,
BRIAN GRAHAM, and
MISS. FALK, Warden of Limon Corr. Fac.,

Defendants.

ORDER DIRECTING PLAINTIFF TO FILE SECOND AMENDED COMPLAINT

Plaintiff, Chester Lee Huggins, is a prisoner in the custody of the Colorado Department of Corrections at the Sterling Correctional Facility in Sterling, Colorado. Mr. Huggins initiated this action by filing *pro se* a Prisoner Complaint (ECF No. 1) pursuant to 42 U.S.C. § 1983. On January 15, 2014, the court entered an order directing Mr. Huggins to file an amended complaint within thirty days that clarifies the claims he is asserting. On February 18, 2014, Mr. Huggins filed an Amended Complaint (ECF No. 9).

The court directed Mr. Huggins to use the court-approved Prisoner Complaint form to file his amended complaint, but he failed to do so. The Court's local rules require unrepresented prisoners to "use the forms . . . posted on the court's website." D.C.COLO.LCivR 5.1(c). Therefore, Mr. Huggins will be directed to file a second amended complaint on the court-approved Prisoner Complaint form and to clarify the

claims he is asserting in this action.

The second amended complaint “must contain (1) a short and plain statement of the grounds for the court’s jurisdiction, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” Fed. R. Civ. P. 8(a). Mr. Huggins must allege with respect to each claim he asserts in the amended complaint “what each defendant did to him or her; when the defendant did it; how the defendant’s action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.” *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). The general rule that *pro se* pleadings must be construed liberally has limits and “the court cannot take on the responsibility of serving as the litigant’s attorney in constructing arguments and searching the record.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005). Accordingly, it is

ORDERED that Mr. Huggins file, **within thirty (30) days from the date of this order**, a second amended complaint on the court-approved Prisoner Complaint form that complies with the pleading requirements of Fed. R. Civ. P. 8. It is

FURTHER ORDERED that Mr. Huggins 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 Mr. Huggins fails within the time allowed to file a second amended complaint that complies with this order as directed, the action will be dismissed without further notice.

DATED February 20, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge