

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03512-BNB

KRISTA RADFORD,

Plaintiff,

v.

FRONTIER AIRLINES,

Defendant.

SECOND ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff, Krista Radford, resides in Aurora, Colorado. She filed *pro se* a Complaint on December 30, 2013 (ECF No.1). Ms. Radford has been granted leave to proceed pursuant to 28 U.S.C. § 1915.

On February 10, 2014, the Court reviewed the Complaint and found that it failed to comply with Rule 8 of the Federal Rules of Civil Procedure. In the Complaint, Ms. Radford makes a single conclusory assertion that Frontier Airlines discriminated against her in violation of the Family Medical Leave Act (FMLA), at 29 U.S.C. §§ 2615(a). Plaintiff does not provide any factual allegations to support her claim. Accordingly, the Court directed Ms. Radford to file an amended complaint within thirty (30) days of the February 10 Order that comports with Fed. R. Civ. P. 8. The Court warned Plaintiff in the February 10 Order that failure to file an amended complaint by the court-ordered deadline may result in dismissal of this action without further notice.

On March 12, 2014, the Court granted Plaintiff an extension of time to April 14, 2014 to file an amended pleading.

Ms. Radford did not file an amended complaint by the court-ordered deadline. Nor has she communicated with the Court since March 10, 2014, when she filed a Letter requesting an extension of time. Generally, a plaintiff may bring an action under the FMLA not later than two years after the alleged violation. 29 U.S.C. § 2617(c)(1). The time is extended to three years if the Plaintiff can show a wilful violation. 29 U.S.C. § 2617(c)(2). Plaintiff does not allege in the Complaint when the alleged FMLA violation(s) occurred. If the Court dismisses this action, Ms. Radford may be time-barred from refiling it at a later date. Under these circumstances, the Court will allow Plaintiff a final opportunity to file an amended complaint that provides notice of the factual basis of her claim(s). See *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10th Cir. 2007). Plaintiff may attach a copy of the charge of discrimination that she filed with the EEOC to satisfy the notice requirement. Accordingly, it is

ORDERED that Ms. Radford file, **within thirty (30) days from the date of this order**, an amended complaint that provides notice of the factual basis of her FMLA claim(s), and complies with the pleading requirements of Fed. R. Civ. P., as directed in the February 10, 2014 Order. It is

FURTHER ORDERED that Ms. Radford shall obtain the appropriate court-approved Complaint form, along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that the action may be dismissed without further notice if Ms. Radford fails within the time allowed to file an amended complaint that complies with this order.

DATED April 22, 2014, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge