

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-00909-KMT

TILANA SHELLY,

Plaintiff,

v.

ADT SECURITIES,

Defendant.

ORDER

This matter is before the court on Plaintiff's "Letter Amending Complaint" [Doc. No. 36] filed July 31, 2015. In her letter, Plaintiff acknowledges that on July 9, 2015, the parties appeared before the court and entered into an agreement that the proper and appropriate defendant in this case is ADT, L.L.C., not ADT Securities and not Tyco Integrated Security. The court advised Plaintiff she could file an Amended Complaint naming the correct Defendant and counsel Stephen B. Rotter of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.-Denver, agreed that he was authorized to and would accept service on behalf of ADT, L.L.C. (Am. Courtroom Minutes [Doc. No. 34].)

Instead of an Amended Complaint and in spite of detailed, pain-staking instructions given by the court directly to the plaintiff on July 29, 2015, Plaintiff filed the Letter Amending Complaint instead of an actual cognizable Amended Complaint.

Plaintiff Tilana Shelly is, however, proceeding *pro se*. Therefore the court must liberally construe her pleadings. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Nevertheless the court will not act as advocate for a *pro se* litigant, who must comply with the fundamental requirements of the Federal Rules of Civil Procedure. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

As a matter of expediency, the court will consider Plaintiff's Letter Amending Complaint to be the Plaintiff's attempt to comply with the court's directive to file an Amended Complaint.

Therefore it is **ORDERED**

1. The Complaint [Doc. No. 1] is AMENDED to only to substitute ADT, L.L.C. in place of ADT Securities as the Defendant in this action. The caption of the case will be amended to so reflect the substitution.

2. The court will infer and accept proper service of the Complaint (as amended) upon ADT, L.L.C. as of the date of this Order as a result of counsel's willingness to accept service and his receipt of notice via the court's docketing system, CM/ECF.

3. ADT, L.L.C. shall file an Answer or other responsive pleading on or before September 8, 2015.

DATED this 19th day of August, 2015.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge