

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

Civil Action No. 15-cv-01263-PAB

JAMES E. JENNINGS,

Plaintiff,

v.

MICHELLE K. LEE, Deputy Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office,

Defendant.

ORDER

This matter is before the Court on the Order to File a Second Amended Complaint [Docket No. 7]. In light of plaintiff's pro se status, the Court construes his filings liberally. See *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 & n.3 (10th Cir. 1991).

On June 15, 2015, plaintiff filed this case. Docket No. 1. The case was assigned to Magistrate Judge Kristen Mix. Docket No. 2. On June 24, 2015, the magistrate judge identified multiple deficiencies in plaintiff's complaint and sua sponte struck it for failure to comply with Federal Rule of Civil Procedure 8. Docket No. 4 at 2-3. Plaintiff was granted leave to file an amended complaint correcting such deficiencies. *Id.* On July 21, 2015, plaintiff filed an amended complaint. Docket No. 5. On August 13, 2015, the magistrate judge found that plaintiff failed to cure the deficiencies identified in her June 24, 2015 order and struck plaintiff's amended complaint for failure to comply with the Rule 8. Docket No. 7 at 2-3. Because plaintiff is

pro se, the magistrate judge granted plaintiff leave to file a second amended complaint correcting such deficiencies, ordering that, "if plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this Order** the action will be dismissed without further notice." Docket No. 7 at 3-4. On August 18, 2015, plaintiff filed a second amended complaint. Docket No. 8. On September 8, 2015, the magistrate judge found that plaintiff's amendments do not "state a claim or provide any further clarification of the basis for Plaintiff's lawsuit." Docket No. 9 at 2.

The Court agrees with the magistrate judge that plaintiff has failed to comply with Fed. R. Civ. P. 8 and that he has failed to cure the deficiencies in his complaint within the allotted time. For the reasons stated in the magistrate judge's orders [Docket Nos. 4, 7, 9], it is

ORDERED that this case is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b).

DATED September 14, 2015.

BY THE COURT:

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