

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00750-GPG

WANDA E. BROWN-WILLIAMS

Plaintiff,

v.

U.S. OFFICE OF PERSONNEL MGMT., and
U.S. FEDERAL GOV'T,

Defendants.

ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT

Plaintiff Wanda E. Brown-Williams has filed *pro se* a Complaint. 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). However, the Court should not act as an advocate for a *pro se* litigant. See *Hall*, 935 F.2d at 1110. For the reasons stated below, Plaintiff will be ordered to file an Amended Complaint if she wishes to pursue her claims in this action.

Plaintiff asserts that she has been incorrectly assigned retirement under the Federal Employees Retirement System rather than the Civil Service Retirement System. Plaintiff seeks injunctive relief.

In the Jurisdiction section of the Complaint form, Plaintiff states she is asserting jurisdiction based on the fact that she is a citizen of the United States and a resident of Arapahoe County in the State of Colorado. ECF No. 1 at 2.

The twin purposes of a complaint are to give the opposing parties fair notice of the basis for the claims against them so that they may respond and to allow the court to conclude that the allegations, if proven, show that the plaintiff is entitled to relief. See

Monument Builders of Greater Kansas City, Inc. v. American Cemetery Ass'n of Kansas, 891 F.2d 1473, 1480 (10th Cir. 1989). The requirements of Rule 8 are designed to meet these purposes. See *TV Communications Network, Inc. v. ESPN, Inc.*, 767 F. Supp. 1062, 1069 (D. Colo. 1991), *aff'd*, 964 F.2d 1022 (10th Cir. 1992). Specifically, Rule 8(a) provides that a 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.” The philosophy of Rule 8(a) is reinforced by Rule 8(d)(1), which provides that “[e]ach allegation must be simple, concise, and direct.” Taken together, Rules 8(a) and (d)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules.

Plaintiff fails to assert proper jurisdiction because she has failed to state the statutory authority for raising her claims in this Court. Accordingly, it is

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

FURTHER ORDERED that Plaintiff shall obtain the appropriate Court-approved Complaint form, along with the applicable instructions, at www.cod.uscourts.gov. The Amended Complaint must be filed on a proper Court-approved form. It is

FURTHER ORDERED that if Plaintiff fails within the time allowed to file an Amended Complaint that complies with this Order the action may be dismissed without further notice.

DATED April 1, 2016, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink, consisting of several fluid, connected strokes that form a stylized representation of the name.

Gordon P. Gallagher
United States Magistrate Judge