

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAROLD DEAN ROBERTS, JR.,

Plaintiff,

Civil Action No.
09-CV-11066

vs.

HON. AVERN COHN

LOUISIANA HOMES, et al.

Defendants.

**ORDER DENYING AS MOOT (1) DEFENDANTS' MOTION FOR A MORE
DEFINITE STATEMENT (2) PLAINTIFF'S "MOTION TO CORRECT" AND
(3) PLAINTIFF'S "MOTION TO IDENTIFY DEFENDANTS EMPLOYED BY
THE ACCIDENT INSURANCE COMPANY OF AMERICA"**

and

ORDERING PLAINTIFF TO FILE A SECOND AMENDED COMPLAINT

I.

This is a purported employment discrimination case. Plaintiff, who is proceeding pro se, filed his initial Complaint on March 20, 2009, and a "Corrected Complaint" on March 23, 2009. This matter is presently before the Court on three motions: (1) Plaintiff's "Motion to Correct," (2) Plaintiff's "Motion to Identify Defendants Employed by the Accident Insurance Company of America," and (3) Defendants' Motion for More Definite Statement." The Court will order Plaintiff to file a second amended complaint, mooting the three motions.

In their Motion for More Definite Statement, Defendants point out the following deficiencies with regard to Plaintiff's Corrected Complaint: (1) the Corrected Complaint has

numerous unnumbered paragraph in violation of FED. R. CIV. P. 10(b), (2) “[i]t is unclear from Plaintiff’s [Corrected] Complaint which allegations apply to which Defendant,” (3) the Corrected Complaint is missing an appendix, and (4) Count VI does not state a cause of action. Defendants ask that the Court order Plaintiff to file a more definite statement to remedy these defects. These defects are apparent.

To correct these defects, within fourteen days of this order, Plaintiff shall file a second amended complaint clearly indicating which counts apply to which defendants and the capacity in which each defendant is being sued.

Plaintiff may name additional defendants in his second amended complaint if he chooses.

Additionally, Plaintiff’s second amended complaint shall comply with FED. R. CIV. P. 8(a), which reads as follows:

(a) Claim for Relief. A pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court’s jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (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, which may include relief in the alternative or different types of relief.

II.

Plaintiff’s Corrected Complaint, as it currently stands, is largely incomprehensible and does not meet the minimal pleading standards, which require that Plaintiff give Defendants fair notice of the claims being asserted and the grounds upon which such

claims rest. See, e.g., Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002). Moreover, the Court is unable to determine, with any degree of clarity, the factual basis underlying any of Plaintiff's claims. In his second amended complaint, Plaintiff shall clearly explain, in short and plain sentences, the facts giving rise to each of his claims.

III.

Finally, Plaintiff's Corrected Complaint appears to contain claims that have either already been litigated or are currently pending in state court. The Court generally does not have the ability to adjudicate such claims and Plaintiff therefore shall not include them in his second amended complaint.

IV.

Failure to comply with this Order will result in the dismissal of Plaintiff's case.

SO ORDERED.

Dated: May 1, 2009

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Harold Dean Roberts, Jr., 25225 Greenfield, Apt. 422, Southfield, MI 48237 and the attorneys of record on this date, May 1, 2009, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160