

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

ANTHONY P. BOTTZECK,)
PETER JEFF BOTTZECK,)
ASTRID MANGUBAT,)
)
Plaintiff(s),)
)
vs.)
)
LAS VEGAS METROPOLITAN)
POLICE DEPARTMENT; OFFICER)
LEIJA,)
)
Defendant(s).)
_____)

2:10-CV-1093-RLH-PAL

ORDER
(Motion to Reopen Case #11)
(Motion for Hearing #12)

Before the Court are two motions. The first is a **Motion to Reopen our Police Misconduct Case (#11)**. The second is a copy of the same document, but with a handwritten **Request for Hearing Regarding this Matter (#12)**. They were filed together with two letters, on February 8, 2011. The motion for hearing was the first page of the document.

The Court declines to grant the request for a hearing as it finds no need for one. The Court understands the confusion of the pro se Plaintiffs and will grant the Motion to Reopen the case. However, the Court feels compelled to explain to Plaintiffs the reason for its earlier decision, because the Plaintiffs' actions cause confusion on the part of the Court.

First, the first application to proceed in forma pauperis is signed by both Anthony P. Bottzeck and Astrid Mangubat, but does not explain that they are husband and wife. Accordingly, the Court was unable to determine whose information was being presented and ordered Plaintiffs to

1 file separate applications. Instead, only Anthony Bottzeck filed the second application. It remains
2 unclear whether the first application provided information regarding both of them or just Astrid
3 Mangubat.

4 Second, the Complaint also names Peter Jeff Bottzeck, who is apparently Anthony
5 and Astrid's son. Nowhere, in the Complaint or the applications does it explain that he is a son or
6 that he is only 15 years old, and thus a minor. Furthermore, although Peter is named in the caption,
7 the Complaint makes no further mention of him nor does it state any basis for a claim by him. The
8 Court cannot even determine why he, Peter Jeff Bottzeck, is even named on the Complaint since
9 apparently none of the actions by the Defendants were against him. Because of that, the Complaint
10 will likely be dismissed as to Peter Jeff Bottzeck because there is no claim stated upon which relief
11 can be granted.

12 Moreover, for Peter to bring a claim, someone must apply to become his guardian ad
13 litem (that is an adult who will appear for him in court and be responsible for signing documents on
14 his behalf), because, as a minor, he cannot represent himself. Furthermore, if he does have a
15 legitimate claim, it must be stated in the Complaint, AND he will need to file an application to
16 proceed in forma pauperis explaining that he is a minor.

17 The Court will grant Plaintiffs a short period of time to correct the deficiencies
18 mentioned above, but encourages them to continue their search for an attorney to represent them, as
19 no one of them may speak for the others.

20 IT IS THEREFORE ORDERED that the Request for Hearing (#12) is DENIED.

21 IT IS FURTHER ORDERED that the **Motion to Reopen our Police Misconduct**
22 **Case** (#11) is GRANTED, and the Court rescinds its order dismissing the case and directs the
23 Clerk's office to reopen the case.

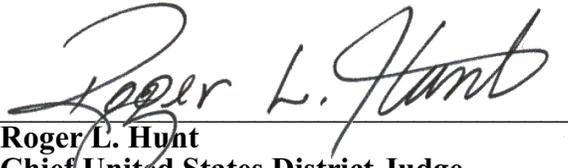
24 IT IS FURTHER ORDERED that Plaintiff's have twenty-one (21) days from the date
25 of this Order to file an Amended Complaint which either removes Peter Jeff Bottzeck as a Plaintiff,
26 or states a claim on his behalf.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS FURTHER ORDERED that all Plaintiffs (except Peter Jeff Bottzeck if he is dropped from the case) shall, within twenty-one (21) days from the date of this Order, file with the Court new and separate applications to proceed in forma pauperis.

IT IS FURTHER ORDERED that if Plaintiffs fail to abide by any of the above orders, the case will be dismissed with finality.

Dated: February 14, 2011.


Roger L. Hunt
Chief United States District Judge