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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RITA CAGLIOSTRO,

11 Plaintiff,

12 v.

13 FORREST R. COLLINS,

14 Defendant.
15

Case No. C18-425 RSM

SECOND ORDER DIRECTING
PLAINTIFF TO AMEND COMPLAINT

16 *Pro se* Plaintiff Rita Cagliostro has been granted leave to proceed *in forma pauperis* in
17 this matter. Dkt. #2. Summons has not yet been issued and no defendant has appeared.

18 Ms. Cagliostro's original Complaint was posted on the docket on March 27, 2018. Dkt.
19 #3. That Complaint had separate sections entitled "Basis for Jurisdiction," "Statement of
20 Claim," and "Relief." *Id.*

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22 On March 27, 2018, the Court issued an Order directing Ms. Cagliostro to file an
23 amended complaint because her original filing was missing the substance of her claims. Dkt.
24 #4. The Court stated that "Plaintiff must include [in her Amended Complaint] a short and plain
25 statement demonstrating to the Court that there is a legal basis for her claims and subject matter
26 jurisdiction for this Court." *Id.* at 2. The Court warned that "[f]ailure to file this Amended
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1 Complaint will result in dismissal of this case.” *Id.* The Court expected Ms. Cagliostro to file
2 an Amended Complaint similar in form to her original Complaint.

3 In Response to the Court’s Order, Ms. Cagliostro instead filed a Motion for Leave to
4 File Amended Complaint. Dkt. #5. Contained in this Motion are additional facts and causes of
5 action that could be helpful to the Court and Defendant because they shed light on what Ms.
6 Cagliostro is claiming in this case. However, Ms. Cagliostro does not set forth her facts, legal
7 causes of action, and basis for jurisdiction in separate sections as is typical of a complaint.
8 Furthermore, because she has apparently filed her amended complaint within the body of her
9 Motion, the resulting document is in violation of the rules regarding the form of pleadings. *See*
10 Fed. R. Civ. P. 8(a); Fed. R. Civ. P. 10.
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13 Confusingly, Ms. Cagliostro has also filed on the docket an “Amended Complaint” that
14 is actually a “notice of claim,” (Dkt. #6); an appellate brief, (Dkt. #6-1); and several exhibits
15 and declarations, (Dkts. #6-2 through #6-8). The Court notes that Ms. Cagliostro does not need
16 to present her entire case at this stage in litigation. As it stands, these documents are
17 mislabeled and/or procedurally improper.
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19 The Court finds that Ms. Cagliostro has not complied with the Court’s prior Order.
20 Accordingly, the Court hereby ORDERS:

- 21 1) Plaintiff must file a new Amended Complaint in compliance with the Court’s prior
22 Order **no later than fourteen (14) days from the date of this Order.** This
23 deadline is an additional week beyond the prior deadline imposed by the Court.
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25 2) In this new Amended Complaint, Plaintiff must include a short and plain statement
26 demonstrating to the Court that there is a legal basis for her claims, with a separate
27 section setting forth the grounds for the Court’s jurisdiction, and a separate section
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1 with a demand for the relief sought. Plaintiff is advised to follow the same
2 formatting as her original Complaint, or to review the Federal Rules of Civil
3 Procedure and this Court's Local Rules for guidance on formatting.

- 4 3) Plaintiff need not file another motion for leave to amend because the Court is
5 granting leave to amend in this Order.
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7 4) Failure to file this new Amended Complaint will result in dismissal of this case for
8 the reasons stated in the Court's Prior Order (Dkt. #4).
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10 5) The Court hereby STRIKES Plaintiff's Motion for Leave to Amend (Dkt. #5) and
11 Amended Complaint (Dkt. #6) as procedurally improper.
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13 6) The Clerk shall send a copy of this Order to Plaintiff at 212 ALASKAN WAY S.
#205 SEATTLE, WA 98104.

14 DATED this 11th day of April 2018.

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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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