

December 15, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

TENTH CIRCUIT

LESTER L. WASHINGTON,

Plaintiff - Appellant,

v.

COLORADO STATE UNIVERSITY;  
COLORADO STATE UNIVERSITY  
BOARD OF GOVERNORS; LARRY  
PENLEY; ANTHONY FRANK;  
CSUFC OFFICE OF EQUAL  
OPPORTUNITY AND DIVERSITY;  
DANA HIATT; ROSELYN CUTLER;  
HUMAN RESOURCES  
DEPARTMENT; CAROL SHIREY;  
MINDY NICHOLS; BLANCHE  
HUGHES; JENNIFER MOLOCK;  
BLACK STUDENT SERVICES;  
MIKIKO KUMASAKA; JIM DOLAK;  
GLEN WELLS; JIM LATEGAN;  
KAREN BALL, ; KATE SLY; JAMES  
LYALL; CSUFC COLLEGE OF  
APPLIED HUMAN SCIENCES;  
APRIL C. MASON; SAMANTHA  
BEAL; LEXIE VAN BUSKIRK;  
CSUFC GRADUATE SCHOOL  
REGISTRARS OFFICE; MARY  
MENCIN; CINDY BEFUS; VICKI  
DIEHL; CSUFC LEGAL; ROBERT  
BOMGREBE; AMY PARSONS;  
CSUFC SCHOOL OF EDUCATION;  
CHANCE LEWIS; LINDA KUK;  
CRAIG CHESSON; M. CORKITS;  
KAREN L. BRIGHAM; JOSHUA B.  
ZUGISH,

Defendants - Appellees.

No. 10-1254

(D.C. No. 1:09-CV-02970-ZLW)

(D. Colo.)

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## ORDER AND JUDGMENT\*

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Before **KELLY, EBEL, and LUCERO**, Circuit Judges.\*\*

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Plaintiff-Appellant Lester Washington, appearing pro se, appeals from the district court's order dismissing his various complaints and the action against Colorado State University and 43 other defendants without prejudice. On appeal, he contends, *inter alia*, that the district court erroneously dismissed his complaint without first examining the facts and evidence. Aplt. Br. at 3-4. Our jurisdiction arises under 28 U.S.C. § 1291, and we affirm.

On December 21, 2009, Mr. Washington filed a pro se complaint. I R. 11. The magistrate judge ordered Mr. Washington to file his complaint using the court's Title VII form. Washington v. Colo. State Univ. Ft. Collins, 2010 WL 1924438, at \*1 (D. Colo. May 12, 2010). Mr. Washington filed an amended complaint on March 8, 2010. Id. Shortly thereafter the magistrate judge entered an order directing Mr. Washington to file a second amended complaint that

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

\*\* After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

complied with Federal Rule of Civil Procedure 8 (“Rule 8”). Id. On May 7, 2010, Mr. Washington filed a second amended complaint. On May 12, the district court dismissed the complaint, the amended complaint, the second amended complaint, and the action without prejudice for failure to comply with Rule 8. Id. at \* 2. Mr. Washington timely appealed. We review for abuse of discretion a district court’s order dismissing a complaint for failure to comply with Rule 8. See United States ex rel. Lemmon v. Envirocare of Utah, Inc., 614 F.3d 1163, 1167 (10th Cir. 2010).

Mr. Washington’s second amended complaint was 87 pages long and incorporated 156 pages of exhibits. See 1 R. (pt. 1) 158-231; 1 R. (pt. 2) 232-242. It asserted 21 claims against 44 defendants and alleged violation of at least 120 federal laws, several provisions of the United States Constitution, and numerous state laws. See I R. (pt. 1) 170, 185-227.

Under Rule 8, a plaintiff must make a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). As the district court noted, Rule 8 serves the vital purpose of enabling the court and defendants “to know what claims are being asserted and to be able to respond to those claims.” Washington, 2010 WL 1924438 at \*1. General allegations of harm are insufficient and the facts must ultimately suggest that the claim is facially plausible; rambling narrations of fact coupled with conclusory legal assertions do not assist the court or the defendants. Ashcroft v. Iqbal, 129 S. Ct.

1937, 1949 (2009). After reviewing the record, we agree that Mr. Washington's pleadings fall well short of Rule 8's requirements. Accordingly, the district court did not abuse its discretion in dismissing the complaint.

AFFIRMED. We GRANT Mr. Washington's motion to proceed IFP and DENY all other pending motions.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge