

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 29 2007

Civil Action No. 07-cv-00769-BNB

QUINN MCKENZIE JEBE,

Plaintiff,

v.

BILL RITTER, Governor,
ARISTEDES ZAVARAS, Executive Director,
MARK BROADDUS, Warden/Director,
RICHARD FISHER, Captain & Shift Supervisor,
KIRK KATZENMEYER, Captain & East Unit Supervisor,
MIKE V. MILLER, Sergeant,
TIM HINKLE, Sergeant,
SCOTT MCLAUGHLIN, Medical Provider, and
CATHY BASSETT, Head Nurse,

Defendants.

GREGORY C. LANGHAM
CLERK

ORDER TO SHOW CAUSE

Plaintiff, Quinn McKenzie Jebe, was a prisoner in the custody of the Colorado Department of Corrections (DOC) who was incarcerated at the Buena Vista, Colorado, Correctional Facility when he initiated this action by filing *pro se* a civil rights complaint for money damages and injunctive relief pursuant to 42 U.S.C. § 1983 (2003), and 28 U.S.C. § 1343 (1993), and various other federal and state statutes. He has since informed the Court that his current address is 1901 North Hudson, Pueblo, Colorado 81001. However, Mr. Jebe has failed to inform the Court whether he currently is incarcerated.

He has filed a motion and affidavit for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (2006). He failed to cure a deficiency in the instant action. Specifically, he failed to submit a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of this action. However, the action will not be dismissed at this time for that deficiency.

The Court must construe the complaint liberally because Mr. Jebe is representing himself. *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 be the *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Jebe will be ordered to show cause why the complaint should not be dismissed.

Mr. Jebe asserts four claims. He alleges that the DOC delayed four days in obtaining evidence of his "date rape" by a co-inmate or inmates at the Pueblo County, Colorado, jail (first claim); that the DOC unnecessarily placed him in protective custody in segregation when the alleged "date rape" occurred at the Pueblo County Jail (second claim); a vague claim of deliberate indifference (third claim); and a vague claim of a pattern of abuse (fourth claim). Mr. Jebe raised the identical claims in this Court in the amended complaint he filed on May 15, 2007, in *Jebe v. Ritter*, No. 07-cv-00767-BNB (filed Apr. 16, 2006), which currently is pending before the Court.

Repetitious litigation of virtually identical causes of action may be dismissed as frivolous or malicious. *See Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (per curiam); *Van Meter v. Morgan*, 518 F.2d 366, 368 (8th Cir. 1975) (per curiam). The Court may consult its own records to determine whether a pleading repeats

pending or previously litigated claims. **See *Duhart v. Carlson***, 469 F.2d 471 (10th Cir. 1972). The Court has examined its records and is satisfied that Mr. Jebe's claims asserted in this action are repetitive of the claims asserted in No. 07-cv-00767-BNB. Therefore, Mr. Jebe will be ordered to show cause within thirty days from the date of this order why the complaint and the instant action should not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) as legally frivolous and malicious. He will be directed to inform the Court at the same time whether he currently is incarcerated. Accordingly, it is

ORDERED that Plaintiff Quinn McKenzie Jebe is ordered to show cause **within thirty (30) days from the date of this order** why the complaint and the instant action should not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) as legally frivolous and malicious. It is

FURTHER ORDERED the Mr. Jebe is directed to inform the Court **within thirty (30) days from the date of this order** whether he currently is incarcerated. It is

FURTHER ORDERED that if Mr. Jebe fails to show cause as directed within the time allowed, the complaint and the action will be dismissed without further notice.

DATED May 29, 2007, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

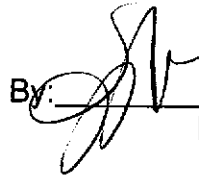
CERTIFICATE OF MAILING

Civil Action No. 07-cv-00769-BNB

Quinn M. Jebe
Reg. NO. 132709
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 5-29-07

GREGORY C. LANGHAM, CLERK

By:  _____
Deputy Clerk