

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01517-BNB

JAMES JOSEPH OWENS-EL,

Applicant,

v.

JEFFREY KOSTAR, United States Parole Examiner,
UNITED STATES PAROLE COMMISSION,
CASE MANAGER DERR,
COUNSELOR HAYGOOD, and
WARDEN WILEY,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG - 8 2006

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant James Joseph Owens-El is a prisoner in the custody of the United States Bureau of Prisons at the United States Penitentiary, Administrative Maximum, at Florence, Colorado. Mr. Owens-El has filed *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court must construe the application liberally because Mr. Owens-El 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. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Owens-El will be ordered to file an amended application.

The court has reviewed the application filed in this action and finds that the application is deficient because Mr. Owens-El fails to set forth clearly and concisely the claims he is asserting. It is clear that Mr. Owens-El asserts twenty-eight numbered

claims for relief. However, it is not clear what he is challenging in each of those twenty-eight claims or what constitutional rights allegedly have been violated with respect to each asserted claim. The habeas corpus application, which includes 136 pages of handwritten allegations and 151 pages of attachments, also does not include a concise statement of the claims being asserted. Finally, the handwritten allegations in the application are difficult to read because Mr. Owens-EI writes on both sides of the sheets of paper submitted with the application. Mr. Owens-EI is reminded that, pursuant to Rule 10.1F. of the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, text shall be printed on only one side of each page.

For these reasons, Mr. Owens-EI will be ordered to file an amended application. In order to pursue his claims in this action, Mr. Owens-EI must allege for each asserted claim, clearly and concisely, which of his constitutional rights have been violated and how that right has been violated. Mr. Owens-EI also must clarify in the amended application how he has exhausted administrative remedies for each of his claims. Accordingly, it is

ORDERED that Mr. Owens-EI file **within thirty (30) days from the date of this order** an amended application that complies with this order. It is

FURTHER ORDERED that the clerk of the court mail to Mr. Owens-EI, together with a copy of this order, two copies of the following forms: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that, if Mr. Owens-EI fails within the time allowed to file an amended application that complies with this order to the court's satisfaction, the action will be dismissed without further notice.

DATED August 8, 2006, 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

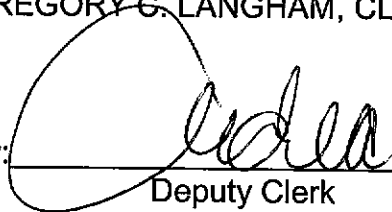
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James Joseph Owens-EI
Reg. No. 00305-131
ADX – Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER and two copies of Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** to the above-named individuals on 8/8/06

GREGORY G. LANGHAM, CLERK

By: _____


Deputy Clerk