

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02253-BNB

RALPH WRIGHT,

Applicant,

v.

JOHN DOE, Warden of the Arkansas Valley Correctional Facility, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 23 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO FILE
SECOND AND FINAL AMENDED APPLICATION

Applicant, Ralph Wright, is a prisoner in the custody of the Colorado Department of Corrections who currently is incarcerated at the Arkansas Valley Correctional Facility in Crowley, Colorado. Mr. Wright initiated this action by filing *pro se* an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the validity of his conviction in El Paso County District Court case number 97CR2513. He has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

On February 6, 2009, I ordered Mr. Wright to file within thirty days an amended application that complied with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. On March 19, 2009, after being granted an extension of time, Mr. Wright filed an amended application asserting only one claim and asking permission to file another habeas corpus application in the future in which he will assert two additional claims. Mr. Wright's request is denied. Mr. Wright may have one final opportunity to

file a second and final amended application in which he asserts all the claims he intends to raise in this action. Failure to do so within the time allowed will result in the denial of the amended application and the dismissal of the instant action. Accordingly, it is

ORDERED that the request of Applicant to proceed in this action with an amended application that asserts only one claim and to be allowed to file another habeas corpus application in the future asserting two additional claims is denied. It is

FURTHER ORDERED that Mr. Wright shall file **within thirty (30) days from the date of this order** an amended application that asserts all the claims he intends to raise in this action and that complies with Rule 8 of the Federal Rules of Civil Procedure. It is

FURTHER ORDERED that Mr. Wright's amended application shall be titled, "Second Amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254," and shall be filed with the Clerk of the Court for the United States District Court for the District of Colorado at the Alfred A. Arraj U.S. Courthouse, 901 Nineteenth Street, Room A-105, Denver, Colorado 80294-3589. It is

FURTHER ORDERED that the Clerk of the Court shall mail to Mr. Wright, together with a copy of this order, two copies of the following form to be used in filing the second amended application: Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. It is

FURTHER ORDERED that if Mr. Wright fails within the time allowed to file a second amended application as directed, the amended application will be denied and the action dismissed without further notice.

DATED March 23, 2009, 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. 08-cv-02253-BNB

Ralph Wright
Prisoner No. 43140
Arkansas Valley Corr. Facility
PO Box 1000
Crowley, CO 81034

I hereby certify that I have mailed a copy of the **ORDER** and **two copies of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 form** to the above-named individuals on 3/23/09

GREGORY C. LANGHAM, CLERK

By. 

Deputy Clerk