

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01190-BNB

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JOHN J. POWERS,

JUL 22 2009

Plaintiff,

GREGORY C. LANGHAM
CLERK

v.

PETE HAUTZINGER, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Defendants.

ORDER GRANTING MOTION TO RECONSIDER
AND DIRECTING PLAINTIFF TO FILE
AN AMENDED PRISONER COMPLAINT

On July 8, 2009, Plaintiff John J. Powers filed a "Motion to Reconsider Ruling or in the Alternative Allow Plaintiff to Amend and Clarify his Complaint." In the Motion, Mr. Powers requests that the Court reconsider the June 30, 2009, Order that directed Mr. Powers to comply with Magistrate Judge Boyd N. Boland's June 9, 2009, Order.

Upon review of the arguments Mr. Powers raises in his July 8, 2009, Motion to Reconsider, the Court finds that he should be given the opportunity to file an Amended Prisoner Complaint and clarify his claims. Accordingly, it is

ORDERED that the Motion to Reconsider (Doc. # 11), filed July 8, 2009, is
GRANTED. It is

FURTHER ORDERED that the action, for the purpose of Mr. Powers' request to clarify his claims, shall proceed as a Prisoner Complaint rather than a 28 U.S.C.

§ 2241 action. It is

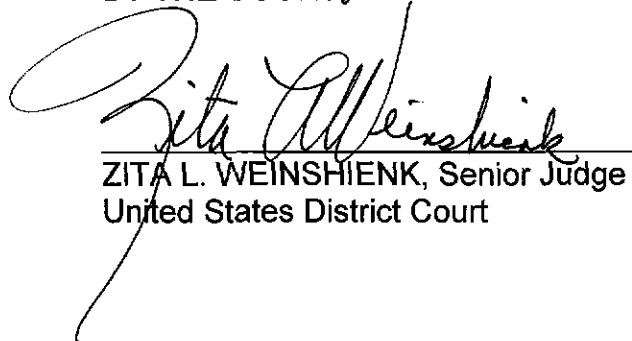
FURTHER ORDERED that Mr. Powers shall file an Amended Prisoner Complaint clarifying his claims within thirty days from the date of this Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Powers, together with a copy of this Order, two copies of the Court-approved Prisoner Complaint form for use in filing the Amended Prisoner Complaint. It is

FURTHER ORDERED that if Mr. Powers fails to file a proper Amended Prisoner Complaint, within the time allowed, the action will be dismissed without further notice.

DATED at Denver, Colorado, this 22 day of July, 2009.

BY THE COURT


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-01190-BNB

John J. Powers
Prisoner No. 221421
Mesa County Detention Facility
P.O. Box 20,000-5017
Grand Junction, CO 81502

I hereby certify that I have mailed a copy of the **ORDER** and two copies of the **Prisoner Complaint form** to the above-named individuals on 7/22/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk