

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01610-BNB

PIERCE LEO SHANNON,

Applicant,

v.

ERIC HOLDER, United States Attorney General,
HARRY G. LAPPIN, Director, Federal Bureau of Prisons,
CURRENT WARDEN, Federal Prison Camp, Florence, Colorado, and
RODNEY CHANDLER, Warden, FCI, Big Spring, Texas,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 10 2009

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant, Perce Leo Shannon, is a prisoner in the custody of the United States Bureau of Prisons and currently is incarcerated at the Federal Correctional Institution in Big Spring, Texas. Mr. Shannon has filed a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. The Court must construe the Application liberally because Mr. Shannon is a *pro se* litigant. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The Court, however, should not act as a *pro se* litigant's advocate. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Shannon will be ordered to file an Amended Application.

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires that Mr. Shannon go beyond notice pleading. *See Blackledge v. Allison*, 431 U.S. 63, 75 n.7 (1977). Naked allegations of constitutional violations

devoid of factual support are not cognizable in a federal habeas action. **See Ruark v. Gunter**, 958 F.2d 318, 319 (10th Cir. 1992) (per curiam). Mr. Shannon must allege **on the Court-approved form** both the claims he seeks to raise and the specific facts to support each asserted claim. The Court has reviewed the Application submitted to the Court on August 5, 2009, and finds that it is deficient. Mr. Shannon fails to assert on Pages Three and Four a statement of the claims he intends to raise in this Court.

Although Mr. Shannon may use additional pages, when necessary, to the form to assert additional claims and additional facts in support of his claims, Mr. Shannon is required to use the Court-approved form to state his claims and may not simply refer the Court to attached documents to determine what claims and specific facts he intends to raise in the instant action. Therefore, Mr. Shannon will be ordered to file an Amended Application in which he identifies, **on the Court-approved form**, the specific claims for relief that he is asserting, and in which he provides specific facts in support of each asserted claim.

Mr. Shannon also is instructed that pursuant to 28 U.S.C. § 2243 an application for writ of habeas corpus is directed to the person who has custody of the detained person. Therefore, Mr. Shannon is directed to name only the custodian of the facility where he is incarcerated as Respondent in the 28 U.S.C. § 2241 Application. Accordingly, it is

ORDERED that Mr. Shannon file **within thirty days from the date of this Order** an Amended Application that complies with the Order. It is

FURTHER ORDERED that the Clerk of the Court mail to Mr. Shannon, together with a copy of this Order, two copies of the following form: Application for a Writ of

Habeas Corpus Pursuant to 28 U.S.C. § 2241. It is

FURTHER ORDERED that if Mr. Shannon fails within the time allowed to file an Amended Application, as directed above, the action may be dismissed without further notice.

DATED August 10, 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. 09-cv-01610-BNB

Pierce Leo Shannon
Reg No. 99811-111
Federal Correctional Institution
Sunset Building 4 025 L
1900 Simler Avenue
Big Spring, TX 79720-7789

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. § 2241** to the above-named individuals on 8/10/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk