

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00138-BNB

STEVEN A. MANTHEY,

Petitioner,

v.

ADAMS COUNTY SHERIFF DOUG DARR, and  
THE HONORABLE JOHN SUTHERS, ATTORNEY GENERAL FOR THE STATE OF  
COLORADO,

Respondents.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 27 2010

GREGORY C. LANGHAM  
CLERK

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ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

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Applicant, Steven A. Manthey, filed through counsel an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Motion for Stay of Execution of Sentence on January 22, 2010. The Court granted Mr. Manthey's Motion for Stay of Execution of Sentence on January 22, 2010. For the reasons stated below, Mr. Manthey 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. Manthey 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. Manthey 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 January 22, 2010, and finds that it is deficient. Mr. Manthey lists seven claims for relief in the Application, but does not provide any factual support for his claims. Instead, each claim is presented in a single sentence, without any additional allegations.

Therefore, Mr. Manthey will be ordered to file an Amended Application in which he identifies, on the Court-approved form, all the specific claims for relief that he is asserting, and in which he provides specific facts in support of each asserted claim. Accordingly, it is

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

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

DATED January 27, 2010, 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. 10-cv-00138-BNB

Themia E. Sandven  
Themia E. Sandven, P.C.  
815 East Seventeenth Avenue  
Denver, CO 80218-1417

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 1/27/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk