

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADOFILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

APR 14 2010

Civil Action No. '10 - CV - 00832

GREGORY C. LARHAM
CLERK

JERRY MASKE,

Applicant,

v.

ROBERT MURPHY, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DIRECTING CLERK TO COMMENCE CIVIL ACTION
AND DISMISSING THE ACTION

Applicant Jerry Maske currently resides in Aurora, Colorado. Mr. Maske, acting *pro se*, submitted an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 to the Court on March 22, 2010. The Clerk of the Court will be directed to commence a civil action. For the reasons discussed below, the Court will dismiss the action.

The Court has permanently enjoined Mr. Maske from filing any *pro se* civil actions without first obtaining leave of the Court to proceed *pro se*. *See Maske v. IBM*, No. 09-cv-01805-ZLW, Doc. No. 5 (D. Colo. Nov. 5, 2009). In order to obtain permission to proceed *pro se*, Mr. Maske must submit with any civil action he seeks to file (1) a petition requesting leave to file a *pro se* action; (2) a list of all lawsuits currently pending or filed with this Court; (3) a list of all outstanding injunctions or orders

limiting Mr. Maske's access to this court; and (4) a notarized affidavit that includes certain information. **See Maske v. Aurora Animal Care, et al.**, No. 09-cv-02751-ZLW, Doc. No. 2 (D. Colo. Nov. 24, 2009). The affidavit must include (1) a statement of the issues Mr. Maske seeks to present, including a short discussion of the legal issues; (2) a certification that the legal arguments are not frivolous or repetitive of legal arguments previously presented to the Court and that they are warranted by existing law or a good-faith argument for extension, modification, or reversal of existing law; and (3) a statement by Mr. Maske that he will comply with all federal and local rules of this Court. **Id.**

The Petition and the Application that Mr. Maske filed in this action are for the most part identical to the petition and application that he filed in **Maske v. Murphy, et al.**, No. 10-cv-00616-ZLW (D. Colo. Mar. 17, 2010). Mr. Maske again has failed to comply with all of the filing requirements set forth in Case Nos. 09-cv-01805-ZLW and 09-cv-02751-ZLW. Mr. Maske's discussion of the legal issues fails to demonstrate that his claims are not frivolous or repetitive of the legal arguments he previously presented to the Court. Mr. Maske also fails to comply with the pleading requirements of Fed. R. Civ. P. 8(a).

Although the Court warned Mr. Maske in Case No. 10-cv-00616-ZLW that it would impose monetary sanctions if he continued to file pleadings that do not comply with his sanctions, the Court will assume that Mr. Maske did not receive the Court's order in Case No. 10-cv-00616-ZLW prior to submitting the instant action. The Court again **warns Mr. Maske that it will impose monetary sanctions against him if he**

continues to file *pro se* actions that are not in compliance with the sanctions set forth above. Accordingly, it is


ORDERED that the Clerk of the Court commence this civil action. It is

FURTHER ORDERED that the Application is denied and the action is dismissed without prejudice for the reasons stated above. It is

FURTHER ORDERED that no certificate of appealability will issue because Mr. Maske has not made a substantial showing that jurists of reason would find it debatable whether the procedural ruling is correct and whether the underlying claim has constitutional merit.

DATED at Denver, Colorado, this 12 day of April, 2010.

BY THE COURT:


CHRISTINE M. ARGUELLO
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. '10 - CV - 00832

Jerry Maske
2705 Danube Way, Unit 101
Aurora, CO 80013

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 4/13/10

GREGORY C. LANGHAM, CLERK

By 

Deputy Clerk