

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00975-BNB

RODRICK D. MADISON,

Applicant,

v.

BRIGHAM SLOAN, Warden, BCCF, Exec. Director CDOC, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 10 2010

GREGORY C. LANGHAM
CLERK

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant, Rodrick D. Madison, is a prisoner in the custody of the Colorado Department of Corrections and is currently incarcerated at the Bent County Correctional Facility. Mr. Madison has filed a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 challenging the validity of his state court criminal conviction and sentence in Arapahoe County District Court case number 00CR832.

The Court must construe the application liberally because Mr. Madison is not represented by an attorney. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Madison will be ordered to file an amended application.

The Court has reviewed the application and finds that it is deficient because Mr. Madison fails to assert any claims for relief. Pursuant to Rules 2(c)(1) and 2(c)(2) of the Rules Governing Section 2254 Cases in the United States District Courts, Mr. Madison

must “specify all [available] grounds for relief” and he must “state the facts supporting each ground.” The Court notes that these habeas corpus rules are more demanding than the rules applicable to ordinary civil actions, which require only notice pleading. **See *Mayle v. Felix***, 545 U.S. 644, 655 (2005). Naked allegations of constitutional violations are not cognizable under § 2254. **See *Ruark v. Gunter***, 958 F.2d 318, 319 (10th Cir. 1992) (per curiam). Therefore, if Mr. Madison wishes to pursue any claims in this action, he must file an amended application in which he specifies the claims he is asserting and in which he provides specific facts in support of each asserted claim. Accordingly, it is

ORDERED that Mr. Madison file **within thirty (30) days from the date of this order** an amended pleading on the proper form that clarifies the constitutional claims he is asserting and that sets forth specific facts in support of each asserted claim. It is

FURTHER ORDERED that the clerk of the court mail to Mr. Madison, 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. § 2254. It is

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

DATED May 10, 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-00975-BNB

Rodrick D. Madison
Prisoner No. 82798
Bent County Correctional Facility
11560 Road FF.75
Las Animas, CO 81054-9573

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** to the above-named individuals on 5/10/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk