

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 10-cv-01755-BNB

STEVEN A. MANTHEY,

Petitioner,

JUL 30 2010

GREGORY C. LANGHAM
CLERK

v.

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

Respondents.

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant, Steven A. Manthey, initiated this action by filing a *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and a Motion for Stay of Execution of Sentence on July 23, 2010. The Court denied Mr. Manthey's Motion for Stay of Execution of Sentence on July 29, 2010. For the reasons stated below, Mr. Manthey will be ordered to file an Amended Application.

The Court has reviewed the Application submitted to the Court on July 23, 2010, and finds that it is deficient. In the Application, Mr. Manthey has failed to assert any claims for relief. 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. 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 July 30, 2010, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

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CERTIFICATE OF MAILING

Civil Action No. 10-cv-01755-BNB

Steven A. Matheny
5305 E. 78th Place #205
Arvada, CO 80003

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 7/30/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk