

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02075-BNB

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

GEORGE D. BROCHES,

OCT - 5 2010

Applicant,

GREGORY C. LANGHAM
CLERK

v.

HARLEY G. LAPPIN, Director, Federal Bureau of Prisons (F.B.O.P.), and
RENE GARCIA, Warden, Federal Correctional Institution (FCI) Englewood,

Respondents.

ORDER DIRECTING APPLICANT TO FILE SECOND AMENDED PLEADING

Applicant, George D. Broches, is a prisoner in the custody of the Federal Bureau of Prisons at the Federal Correctional Institution at Englewood, Colorado. Mr. Broches initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. As part of the court's review pursuant to D.C.COLO.LCivR 8.2, the court determined that the application was deficient because it was not filed on the proper form approved for use by prisoners in this court as required by the court's local rules. Therefore, on August 31, 2010, the court ordered Mr. Broches to cure this deficiency if he wishes to pursue his claims in this court in this action.

On September 3, 2010, Mr. Broches filed on the proper form an amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. However, the amended application filed on September 3 does not provide a clear statement of the claims Mr. Broches is asserting in this action because the amended application does not specify any facts in support of the claims being asserted. Instead, Mr. Broches

makes multiple references in the amended application to papers already filed in this action, by which he apparently is referring to the original application. As a result, the court finds that the amended application does not comply with the court's prior order directing Mr. Broches to file an amended application on the court-approved form. However, rather than dismiss the action, the court will give Mr. Broches a final opportunity to file an amended pleading on the proper form as required by the court's local rules. Mr. Broches is advised that his second amended application must include a clear statement of the claims he is asserting in this action along with the specific facts that support each asserted claim. Accordingly, it is

ORDERED that Mr. Broches file a second amended application that complies with this order **within thirty (30) days from the date of this order**. It is

FURTHER ORDERED that the clerk of the court mail to Mr. Broches, 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. Broches fails to file a second amended application that complies with this order within the time allowed, the action will be dismissed without further notice.

DATED October 5, 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-02075-BNB

George D. Broches
Reg No. 12671-424
FCI - Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

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 10/5/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk