

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-01795-PAB

DOUGLAS WILSON,

Applicant,

v.

SUSAN JONES, CSP Warden, and
JOHN SUTHERS, Attorney General of the State of Colorado,

Respondents.

ORDER

This matter is before the Court on the “Second Amended Application to Writ of Habeas Corpus as Titled and Numbered Above and Also Citing Judicial Abuse in the District Courts [sic] Adjudication and Case-Management as Well as Prejudice Towards [sic] Petitioner in Denying Him Fair Ability to Prove Constitutional Violation Claims” [Docket No. 113] filed *pro se* by Applicant Douglas Wilson. The Court must construe the second amended application liberally because Mr. Wilson 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).

The second amended application will be stricken and the Court will not consider the claims Mr. Wilson raises in the second amended application because he has not sought or been granted leave to file a second amended application in this action. Mr. Wilson also has not used the proper form for filing a second amended application. Pursuant to Rule 5.1(c) of the Local Rules of Practice of the United States District Court

for the District of Colorado – Civil, “[i]f not filed electronically, an unrepresented prisoner or party shall use the procedures, forms, and instructions posted on the court’s website.” Furthermore, Mr. Wilson fails to provide a clear statement of the claims he seeks to raise in the second amended application. Mr. Wilson is reminded that leave to file a second amended application will not be granted unless he provides in the proposed second amended application a clear statement of each and every constitutional claim he is asserting in this action along with the specific factual allegations that support each and every claim.

Finally, to the extent Mr. Wilson alleges the Court is biased and prejudiced against him, he fails to provide specific factual allegations that would justify an order of recusal pursuant to either 28 U.S.C. § 144 or 28 U.S.C. § 455. Accordingly, it is

ORDERED that the “Second Amended Application to Writ of Habeas Corpus as Titled and Numbered Above and Also Citing Judicial Abuse in the District Courts [sic] Adjudication and Case-Management as Well as Prejudice Towards [sic] Petitioner in Denying Him Fair Ability to Prove Constitutional Violation Claims” [Docket No. 113] is STRICKEN.

DATED November 23, 2015.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge