

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02745-BNB

WILLIAM L. GLADNEY,

Applicant,

v.

PEOPLE OF THE STATE OF COLORADO, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant, William L. Gladney, is a prisoner in the custody of the United States Bureau of Prisons (BOP) and currently is incarcerated at the United States Penitentiary in Atwater, California. Mr. Gladney, acting *pro se*, filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 challenging his conviction in the Adams County District Court of Colorado in Case No. 08CR396. He has been granted leave to proceed *in form pauperis*.

The Court must construe the Application liberally because Mr. Gladney is a *pro se* litigant. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The Court, however, should not act as a *pro se* litigant's advocate. See *Hall*, 935 F.2d at 1110. For the reasons stated below, Mr. Gladney will be ordered to file an Amended Application.

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires that Mr. Gladney 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. Gladney must allege on the Court-approved form both the claims he seeks to raise and the specific facts to support each asserted claim. The Court has reviewed the Application submitted to the Court on November 21, 2011, and finds that it is deficient. Mr. Gladney fails to assert on Pages Four through Five a statement of the claims he intends to raise in this Court. Instead, Mr. Gladney refers the Court to a memorandum he filed on October 21, 2011.

However, the Court is not responsible for reviewing any attached documents submitted by Mr. Gladney to determine what claims and specific facts he intends to raise in the instant action. Therefore, Mr. Gladney 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 the specific facts in support of each asserted claim.

Accordingly, it is

ORDERED that within **thirty (30) days** from the date of this Order Mr. Gladney file an Amended Application that complies with the Order. It is

FURTHER ORDERED that Mr. Gladney shall obtain the court-approved habeas corpus form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that if Mr. Gladney fails within the time allowed to file an Amended Application, as directed above, the action will be dismissed without further notice.

DATED March 1, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge