

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-01873-BNB

(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)

TY ANTHONY PFLIEGER,

Applicant,

v.

MICHAEL E. MILLER, Warden, Crowley County Correctional Facility,

Respondent.

ORDER DIRECTING APPLICANT TO CURE DEFICIENCIES

Applicant, Ty Anthony Pflieger, is a prisoner in the custody of the Colorado Department of Corrections and currently is incarcerated at the Crowley Correctional Facility in Olney Springs, Colorado. Applicant has submitted 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 8.1(b), the Court has determined that the submitted documents are deficient as described in this Order. Applicant will be directed to cure the following if he wishes to pursue his claims. Any papers that Applicant files in response to this Order must include the civil action number on this Order.

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires that Applicant 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). Applicant 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 July 7, 2014, and finds that it is deficient. Applicant fails to assert on Pages Two through Four a statement of the claims he intends to raise in this Court.

Applicant also is instructed that he must either pay the \$5 filing fee in full or submit a request to proceed pursuant to 28 U.S.C. § 1915.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) ☒ is not submitted
- (2) ☐ is missing affidavit
- (3) ☐ is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (4) ☐ is missing certificate showing current balance in prison account
- (5) ☐ is missing required financial information
- (6) ☐ is missing an original signature by the prisoner
- (7) ☐ is not on proper form (must use the court's current form)
- (8) ☐ names in caption do not match names in caption of complaint, petition or habeas application
- (9) ☐ An original and a copy have not been received by the court. Only an original has been received.
- (10) ☒ other: In the alternative Applicant may pay the \$5 filing fee

Complaint, Petition or Application:

- (11) ☐ is not submitted
- (12) ☐ is not on proper form (must use the court's current form)
- (13) ☐ is missing an original signature by the prisoner
- (14) ☐ is missing page nos. ____
- (15) ☐ uses et al. instead of listing all parties in caption
- (16) ☐ An original and a copy have not been received by the court. Only an original has been received.
- (17) ☐ Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18) ☐ names in caption do not match names in text
- (19) ☒ other: Court-approved habeas form must include statement of claims on Pages Two through Four

Accordingly, it is

ORDERED that Applicant cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Applicant files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Applicant shall obtain the Court-approved forms used in filing a 28 U.S.C. § 2241 action and a request to proceed pursuant to 28 U.S.C. § 1915, (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov to use in curing the deficiencies. It is

FURTHER ORDERED that, if Applicant fails to cure the designated deficiencies **within thirty days from the date of this Order**, the action will be dismissed without further notice.

DATED July 8, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge