

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01792-GPG

JAN B. HAMILTON,

Applicant,

v.

D. MULDOON, Capt. Park County,
DON BIRD, Pitkin County, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

AMENDED ORDER DIRECTING APPLICANT TO FILE AN AMENDED APPLICATION

Applicant, Jan B. Hamilton, is serving a sentence at the Park County Jail. She initiated this action by filing an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. (ECF No. 1). Ms. Hamilton has paid the \$5.00 filing fee. (*Id.*).

On August 20, 2015, the Court reviewed the Application and determined that it was deficient. Specifically, it was unclear whether she was challenging the validity of her state criminal convictions in Pitkin County Case No. 10CR76, 14M30, 14M143, or 11CR 38. (See ECF No. 3 at 1). The Court directed Ms. Hamilton to file an Amended Application, on the court-approved form, within 30 days, and state clearly which state conviction is being challenged. (*Id.* at 2). The Court further instructed Ms. Hamilton that the Amended Application must comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. (*Id.* at 2-3).

On August 31, 2015, Applicant filed a "Petition to Show Cause in Two Cases (14M143 and 10CR76)" (ECF No. 6), in which she clarifies the state court convictions

that she is challenging in each of her five pending habeas cases:

15-cv-1691-GPG: Case 14M143
15-cv-1791-GPG: Case 10CR76
15-cv-01792-GPG: Case 11CR38
15-cv-01879-GPG: Case 14M92
15-cv-01882-GPG: Case 14M30

Given the clarification, Ms. Hamilton will be directed to file an Amended Application, on the court-approved form, which addresses the validity of her conviction in Pitkin County Case No. 11CR30. Ms. Hamilton should also address whether she has exhausted available state court remedies, for 11CR38 only, and attach any pertinent state court decisions.

The Amended Application that Ms. Hamilton will be directed to file must comply with the pleading requirements of Fed.R.Civ.P. 8, as directed in the August 20 Order. (ECF No. 3). The Application contains over 150 pages of attachments. It is not the duty of this Court or the Respondents to sift through numerous attachments to determine whether the Plaintiff has states a claim for relief.

In addition, the Amended Application **may not exceed 30 pages in length, including any attachments (unless the attachments are state court orders pertaining to 11CR38)**. Ms. Hamilton is warned that failure to comply with this page limit will result in any excess pages being stricken and not considered by the Court.

Accordingly, it is

ORDERED that Applicant file, **within thirty days from the date of this Order**, an Amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, on the court-approved form, that complies with the directives in this Order. It is

FURTHER ORDERED that the Clerk of the Court shall mail to Applicant a copy of

the court-approved Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 form. It is

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

DATED September 1, 2015, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher

United States Magistrate Judge