

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-2008-GPG

LAYMON LADALE JORDAN,

Applicant,

v.

CDOC PAROLE DIVISION, By and Through the Executive Director and the Sheriff of
Adams County State of Colorado,

Respondent.

ORDER DIRECTING APPLICANT TO FILE AMENDED APPLICATION

Applicant Laymon Ladale Jordan is in the custody of the Colorado Department of Corrections and currently is incarcerated at the Trinidad Correctional Facility in Model, Colorado. Applicant initiated this action by filing *pro se* a Motion to Correct An Illegal Sentence and submitting a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action. Applicant subsequently filed his claims on a proper Court-approved form used in asserting 28 U.S.C. § 2241 claims and then was granted leave to proceed pursuant § 1915.

The Court must construe the Application liberally because Applicant 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, Applicant will be ordered to file an Amended Application.

Applicant must comply with Rule 8 of the Federal Rules of Civil Procedure. The Federal Rules of Civil Procedure apply to applications for habeas corpus relief. See Fed. R. Civ. P. 81(a)(2); *Browder v. Director, Dep't of Corrections*, 434 U.S. 257, 269 (1978); *Ewing v. Rodgers*, 826 F.2d 967, 969-70 (10th Cir. 1987). Pursuant to Fed. R. Civ. P. 8(a), a pleading “must contain (1) a short and plain statement of the grounds for the court’s jurisdiction, . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for the relief sought.” Fed. R. Civ. P. 8(d)(1) provides that “[e]ach allegation must be simple, concise, and direct.” Taken together, Rules 8(a) and (d)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules.

Applicant’s claims are rambling and assert allegations that do not pertain to the specific claim. The Court, therefore, will direct Applicant to file an Amended Application that sets forth each claim in a simple, concise, and direct manner. Applicant is reminded that it is his responsibility to present his claims in a manageable format. Accordingly, it is

ORDERED that **within thirty days from the date of this Order** Applicant file an Amended Application that complies with this Order. It is

FURTHER ORDERED that Applicant shall obtain the Court-approved 28 U.S.C. § 2254 Application form (with the assistance of his case manager or the facility’s legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. Applicant must use a Court-approved form to file the Amended Application. It is

FURTHER ORDERED that if Applicant fails within the time allowed to file an Amended Application as directed, the Court will proceed to review the merits of the claims

as presented in the original Application.

DATED October 22, 2015, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized, cursive representation of the name.

Gordon P. Gallagher
United States Magistrate Judge