

being housed at the Cheyenne Mountain Reentry Center (CMRC) in Colorado Springs, Colorado.

5. The "Class" members of this action will be defined as ALL inmates who fall under the authority of The Parole Guidelines as outlined in Section 17-22.5-404 of the Colorado Revised Statutes and whose crimes were committed on or after July 01, 1985 and before July 01, 1993.
6. There are questions of law and fact common to the class.
7. This Court has original jurisdiction and venue is proper.
8. Bill Owens is the current Governor of the State of Colorado and is responsible for appointing members to the Colorado State Board of Parole (BOP), for appointing the Chairman of said Board, and for developing and/or approving any specific policies and/or instructions concerning the Parole Application Process, and the granting or denying of parole applications within the State of Colorado. Governor Owens is sworn by law to uphold the constitutional and statutory laws of the State of Colorado and the United States.
9. Allan Stanley is the current Chairman of the Colorado BOP. He is an appointed member of the Board and he is authorized by law to oversee the rules, regulations, and policies of the Colorado BOP, including the conducting of Parole hearings. Allan Stanley is also responsible to uphold the statutory and constitutional laws of the State of Colorado and the United States.
10. Board members of the Colorado BOP are also appointed by the Governor and are responsible primarily for conducting Parole Application Hearings and other hearing held by the Colorado BOP. Members of the Colorado BOP are also responsible for upholding the statutory and constitutional laws of Colorado and the United States.
11. The authority and responsibility of the Colorado BOP, including the Chairman, are established by section 17-2-201 of the Colorado Revised Statutes.
12. Joe Ortiz is the current Executive Director of the CDCC and is responsible for the overall operations of the Department. His authority and responsibility is established by section 17-1-103 of the Colorado Revised Statutes.
13. Case Managers for the CDCC are responsible for Pre-Parole Planning, and for the Presentation of Parole Applications and Applicants to the Colorado BOP pursuant to Administrative Regulation(AR) 550-08.
14. The issues raised herein, and the claims being pleaded do bring forth questions concerning the constitutionality of Colorado's Parole Guidelines and the procedures being used to implement Colorado Parole Laws and Application Guidelines.
15. There is no Administrative Appeal or any other Administrative remedy

available for the denial of a parole application in the State of Colorado.

II. FACTUAL BACKGROUND

16. Plaintiff Immel here incorporates, from the Original Complaint, paragraphs 23 through 43 as factual background and grounds for this action.
17. Plaintiff Willsey here incorporates his Affidavit as filed with the original complaint as factual background and grounds.

III. CLAIMS FOR RELIEF

18. Plaintiffs believe the evidence will demonstrate that the Colorado BOP, the CDOC, and the Governor of Colorado are Abusing their Authority and/or denying plaintiffs both Substantive and Procedural Due Process under both the Colorado Constitution and the Fourteenth Amendment of the United States Constitution when considering inmates for Parole Suitability.
19. Plaintiffs know there is no right to parole. That has been long established. However, Plaintiffs do believe there is a measure of substantive and procedural Due Process established by C.R.S. 17-22.5-404 concerning parole guidelines. Plaintiffs also believe the Parole Guidelines were developed to be fair, and plaintiffs assert that the current decision-making process is not fair, but rather arbitrary and capricious.
20. Plaintiffs here incorporate paragraphs 46a through 49c of the Original Complaint.

IV. RELIEF SOUGHT

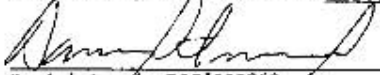
21. Plaintiffs seek Declaratory Judgment concerning what their rights are under C.R.S. 17-22.5-404.
22. Plaintiffs seek Declaratory Judgment concerning the responsibilities of the Governor, the Colorado BOP, and the CDOC when implementing C.R.S. 17-22.5-404 when considering inmates for parole.
23. Plaintiffs seek Declaratory Judgment concerning the "fairness" or "Unfairness" of the current Decision-Making process being utilized by the Colorado BOP.
24. Plaintiffs seek a more fair process for having their Parole Applications considered.
25. Plaintiffs need clarification of the term "Sole Discretion" as used by the Colorado BOP. What does it mean legally.
26. Plaintiffs are also seeking a Declaratory Judgment concerning whether or not C.R.S. 17-22.5-404 is ambiguous.
27. Plaintiffs here incorporate the Original relief sought as well in the

Original Complaint, paragraphs 50 through 59.

28. Plaintiffs again request Appointment of Counsel.

WHEREFORE, for the above reasons, facts, and claims, the plaintiffs pray this court will Deny Defendants' Motion to Dismiss, and reconsider their claims under Title 42 U.S.C. Section 1983, Rule 106 of the Colorado Rules of Civil Procedure, and Rule 57 of the Colorado Rules of Civil Procedure. Plaintiffs pray this court will find cause to Order Discovery Scheduling, and to hold hearings in these matters.

Respectfully submitted this 17th day of January, 2006.

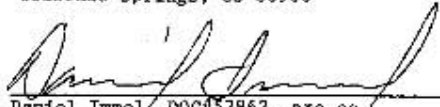

Daniel Immel, DOC#577862, pro se for the Plaintiffs
SCF, Box 6000, Unit 35
Sterling, Colorado 80751

CERTIFICATE OF MAILING

I, Daniel Immel, hereby certify that a true and correct copy of the foregoing Amended Complaint was mailed to the following, by placing said copies in the US Mail, postage prepaid, on this 17th day of January, 2006.

Colorado Attorney General
1525 Sherman Street, 5th Floor
Denver, Colorado 80203

Thomas Willsey, DOC 63529
CMRC
2925 Las Vegas St.
Colorado Springs, CO 80906


Daniel Immel, DOC#57862, pro se