

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01899-MSK-KLM

GEORGE C. MURPHY,

Applicant,

v.

LOU ARCHULETA, and
JOHN SUTHERS,

Respondents.

ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court *sua sponte*. It has come to the Court's attention that Applicant has an appeal pending before the Colorado Court of Appeals [Docket No. 45]. The state court record is unavailable for the Court's review due to Applicant's pending appeal.

IT IS HEREBY **ORDERED** that on or before **February 6, 2009**, the parties shall each file a status report discussing the issues involved in the appeal, the impact of the appeal on the issues involved in Applicant's habeas application, and the timeline for the briefing in the Colorado Court of Appeals.

Dated: January 12, 2009

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix