

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-00056-MSK-BNB

MELVIN LEE DAVIS,

Petitioner,

v.

R. WILEY,

Respondent.

ORDER

This matter arises on the **Respondent's Motion for Leave to File a Supplemental Brief** [Doc. #48, filed 5/7/09] (the "Motion"). The Motion is DENIED.

The petitioner is incarcerated by the Bureau of Prisons ("BOP") at the United States Penitentiary-Administrative Maximum in Florence, Colorado. The petitioner filed an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. #6] (the "Application") on February 12, 2007. The Application asserts three claims. Claim Three challenges the BOP's calculation of the petitioner's sentence.

The respondent filed a response to the Application [Doc. #18] on July 10, 2007. Because the Application and the response did not provide a complete accounting of the sentencing calculations, I held an evidentiary hearing to further address the issue on May 6, 2009. During the hearing, a BOP official offered to submit further briefing on the petitioner's sentence calculation. I declined further briefing on the issue, reminding the respondent that the evidentiary hearing was set for the very purpose of presenting all evidence and arguments

pertinent to the petitioner's sentence calculation.

The respondent again seeks to submit supplemental briefing on the issue. The request is DENIED.

SO ORDERED.

Dated May 8, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

