

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02586-PAB-CBS

DAVID JAMES VIRGIL,  
Applicant,  
v.

ARISTEDES ZAVARAS, Executive Director, Colorado Department of Corrections,  
SAMANTHA NOVOTNI, Director, Phoenix Center (Adams County Community  
Corrections), and  
JOHN SUTHERS, The Attorney General of the State of Colorado,  
Respondents.

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ORDER

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Magistrate Judge Craig B. Shaffer

This civil action is before the court on Mr. Virgil's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("Petition") (filed December 12, 2007) (doc. # 1). Pursuant to the Order of Reference dated April 16, 2009 (doc. # 15), this civil action was referred to the Magistrate Judge to, *inter alia*, "[h]ear and determine pretrial matters" and "submit proposed findings of fact and recommendations . . ."

The court's review of the record indicates that since the filing of the Petition on December 12, 2007, Mr. Virgil's copies of several mailings from the court have been returned in the mail as undeliverable. (See doc. # 5 (letter to Mr. Virgil dated January 4, 2008 from the court) returned marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward), docs. # 6 and # 7 ("Order to Answer" dated January 4, 2008) returned marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward), doc. # 9 (text entry dated October 22, 2008 reassigning judge) returned

marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward), and doc. # 18 ("Order to Answer" dated April 1, 2009) returned marked "Return to Sender, Not Deliverable as Addressed, Unable to Forward). Mr. Virgil has failed to notify the court pursuant to D.C. COLO. LCivR 10.1 M. of the Local Rules of Practice of the United States District Court for the District of Colorado within ten days after any change of address or telephone number.

Pursuant to the Local Rules of Practice, "[a] judicial officer may issue an order to show cause why a case should not be dismissed for lack of prosecution or for failure to comply with these rules, the Federal Rules of Civil Procedure, or any court order." D.C. COLO. LCivR 41.1. Before issuing an Order to Show Cause why this civil action should not be dismissed for failure to comply with the Local Rules of Practice by failing to advise the court of his current address and telephone number, the court asks Respondents to provide any information they may have regarding Mr. Virgil's current address. Accordingly,

IT IS ORDERED that on or before May 8, 2009, Respondents shall provide to the court any information they may have regarding Mr. Virgil's current address.

DATED at Denver, Colorado, this 27th day of April, 2009.

BY THE COURT:

s/ Craig B. Shaffer  
United States Magistrate Judge