

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 08-cv-00247-WYD

PATRICK WOOD,

Applicant,

v.

KEVIN MILYARD, Warden, Sterling Correctional Facility, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER PURSUANT TO TENTH CIRCUIT MANDATE

Pursuant to the mandate of the United States Court of Appeals for the Tenth Circuit filed on July 30, 2013, I will grant the Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 1) with the following condition: I will vacate Applicant, Patrick Wood's, conviction for first-degree felony murder "if but only if the state courts have not eliminated either one of his murder convictions within a reasonable time." ECF No. 56 at 18 (emphasis added). See *Hilton v. Braunskill*, 481 U.S. 700, 775 (1987) (federal court may grant conditional writ to allow a State "an opportunity to correct the constitutional violation"); *Hooks v. Workman*, 689 F.3d 1148, 1208 (10th Cir. 2012) (using "reasonable time" formulation for a conditionally granted habeas writ).

Accordingly, it is

ORDERED that the Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 1) of Applicant, Patrick Wood, is granted with the following condition:

Mr. Wood's conviction for first-degree felony murder is vacated if but only if the state courts have not eliminated either one of his murder convictions within a reasonable time. It is

FURTHER ORDERED that Respondents provide me with a written status report every **sixty (60) days** as what, if any, state court proceedings are underway to eliminate either one of Mr. Wood's murder convictions within a reasonable time.

Dated: August 23, 2013

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Senior United States District Judge