

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00692-PAB-KLM

EARL CROWNHART,

Applicant,

v.

LARRY REID, Warden,

Respondent.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on two motions filed by Applicant [Docket Nos. 207 and 208] (the "Motions"). Both motions appear to request that the Applicant be released on bond pending the resolution of his habeas petition.

IT IS HEREBY **ORDERED** that the Motions are **DENIED**. While the Court recognizes its authority to recommend that Applicant be released on bond pending a determination of his habeas petition, such a recommendation is only justified in "exceptional circumstances." *Pfaff v. Wells*, 648 F.2d 689, 693 (10th Cir. 1981); see *Edwards v. Oklahoma*, 412 F. Supp. 556, 559-60 (W.D. Okla. 1976) (noting that exceptional circumstances are akin to an emergency health issue). The Court is not persuaded that the evidence and argument presented by Applicant constitute a "demonstration of a clear case on the merits of the habeas petition." *Pfaff*, 648 F.2d at 693. Moreover, there are no exceptional circumstances here that would justify Applicant being granted bond pending the resolution of his petition.

Dated: April 9, 2009