

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

Civil Action No. 08-cv-01493-WYD-KMT

GERALDO DE LA ROSA,

Applicant,

v.

HOYT BRILL (Warden of CCA), and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

SECOND ORDER FOR STATE COURT RECORD

On July 1, 2009, I ordered Respondents to provide this Court with the complete record of Applicant Geraldo De La Rosa's trial in Denver District Court Case No. 04CR664 within twenty days. Respondents have not responded to my July 1, 2009, Order and the Court has not received the state court record. On July 20, 2009, the Court received and filed a letter from Deann Davidson, a judicial assistant with the Denver District Court, that indicates the state court record in question was sent to the Colorado Court of Appeals on March 31, 2009.

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, Respondents again are directed to provide to this Court the complete record of Mr. De La Rosa's trial in Denver District Court Case No. 04CR664. If the state court record is not available at this time, Respondents should provide that information to the Court in accordance with Rule 5. In addition, if the state court record

is not available at this time, Respondents should advise the Court when the record will or may be available and whether any adequate alternatives exist for reviewing the state court record. Accordingly, it is

ORDERED that Respondents shall provide to this Court **within twenty (20) days from the date of this Order** the complete record of Mr. De La Rosa's trial in Denver District Court Case No. 04CR664.

Dated: August 7, 2009

BY THE COURT:

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