

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01090-ZLW

DONALD R. GONZALES,

Applicant,

v.

WARDEN HARTLEY, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 15 2010

GREGORY C. LANGHAM
CLERK

ORDER FOR SUPPLEMENTAL BRIEFING

On September 23, 2010, this Court denied the instant habeas corpus application and dismissed the action as procedurally barred. On January 22, 2010, the United States Court of Appeals for the Tenth Circuit reversed and remanded this action for further proceedings, noting that this Court erred in dismissing the application on procedural grounds without first addressing two following two arguments raised by Applicant: (1) whether a state habeas petition filed by Mr. Gonzales satisfied the exhaustion requirement, and (2) whether ineffective assistance of his state appellate counsel was cause for his procedural default. The mandate was issued on February 16, 2010.

Respondents are directed to provide the Court with supplemental briefing addressing the merits of these arguments. Accordingly, it is

ORDERED that Respondents are directed **within thirty days from the date of this order** to provide the Court with supplemental briefing addressing the merits of the

two arguments discussed in this order.

DATED March 15, 2010, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-01090-ZLW

Donald R. Gonzales
Prisoner No. 58418
Fremont Corr. Facility
P.O. Box 999
Cañon City, CO 81215-0999

Christopher Y. Bosch
Assistant Attorney General
DELIVERED ELECTRONICALLY

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/15/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk