

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01726-MSK

ROSCOE FORD,

Petitioner,

v.

TRAVIS TRANI, Warden, L.C.F., and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

**ORDER DIRECTING RESPONDENTS TO PROVIDE
REMAINING PORTIONS OF STATE COURT RECORD**

THIS MATTER comes before the Court pursuant to a Petition for a writ of habeas corpus filed by Petitioner under 28 U.S.C. § 2254. On December 21, 2009, the Court directed Respondents to file an Answer showing cause why the Petition should not be granted. Pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases, the Court's December 21, 2009 order also directed Respondents to "file those portions of the record of trial and/or post-conviction proceedings as are available and relevant to the claims asserted in the Petition, and identify those portions of the record of trial and/or post-conviction proceedings that are relevant but not presently available." (#15 at 1.) On April 12, 2010, Magistrate Judge Kathleen M. Tafoya entered an order directing the Clerk of the Denver District Court to provide this Court with the original written record of Petitioner's state court criminal case.

On April 13, 2010, Respondents filed their Answer. On April 20, 2010, the Court received a portion of the written record of Petitioner's state court criminal case from the Denver

District Court. More specifically, the Court received from the Denver District Court two bound volumes, an envelope containing juror questions and a presentence report, and eight volumes of transcripts. The eight transcripts include the following: three volumes from a pretrial motions hearing held over the course of three separate dates, September 4, 1998, September 25, 1998, and October 2, 1998; volumes III and IV from Petitioner's first trial; a motions hearing held on July 9, 1999; and volumes III and IV from Petitioner's second trial. The Court has not received volumes I and II from either of Petitioner's trials or the transcripts of any other pretrial or postconviction hearings that may have been transcribed. Respondents also have not advised the Court that the missing transcripts are not available. Respondents will be directed to supply the remaining portions of the record failing which the court will resolve the matter on the record submitted.

It is hereby **ORDERED** that Respondents supply to the Court the remaining portions of the state court record of Denver District Court case number 97CR4477 on or before May 13, 2011.

DATED this 14th day of April, 2011.

BY THE COURT:



Marcia S. Krieger
United States District Judge