

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01943-BNB

MIGUEL TRIMBLE,

Applicant,

v.

TRAVIS TRANI, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**DEC 16 2009**

**GREGORY C. LANGHAM**  
CLERK

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ORDER FOR APPLICANT TO FILE  
SUPPLEMENTAL REPLY

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On November 12, 2009, Respondents filed a Supplement to their Pre-Answer Response, in which they raised a procedural default issue with respect to Claim Four. Mr. Trimble filed a Reply to the Supplement. In the Reply, he requested that he be granted an evidentiary hearing at which he be allowed either to demonstrate cause and prejudice or actual innocence with respect to Respondents procedural default arguments. Mr. Trimble's request for an evidentiary hearing will be denied. He will be allowed to submit a Supplemental Reply to Respondent's Supplement, however, and argue cause and prejudice or actual innocence regarding the procedural default raised by Respondents. Accordingly, it is

ORDERED that Applicant's request for an evidentiary hearing is denied. It is

FURTHER ORDERED that **within twenty-one days from the date of this**

**Order** Applicant shall file a Supplemental Reply and assert a basis for any procedural default. It is

FURTHER ORDERED that if Mr. Trimble fails to file a Supplemental Reply within the time allowed the Court will continue to determine the issue of exhaustion as it pertains to Claim Four.

DATED December 16, 2009, 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-01943-BNB

Miguel Trimble  
Prisoner No. 111124  
Limon Correctional Facility  
49030 State Hwy. 71  
Limon, CO 80826

Roger G. Billotte  
Assistant Attorney General  
**DELIVERED ELECTRONICALLY**

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 12/16/09

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk