

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 09-cv-02815-REB-CBS

RUDOLPH MATTHEW CANDELARIA,

Applicant,

v.

HOYT BRILL, Warden of the Kit Carson Correctional Center, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondent(s).

ORDER OF ADMINISTRATIVE CLOSURE

Blackburn, J.

This matter is before me *sua sponte*. Although the United States Magistrate Judge requested the state court record in this case, the state court clerk reported that the record was unavailable because the case has been certified to the Colorado Court of Appeals. (**See Response From Clerk of LaPlata Combined Court to Order To Forward All Records and Transcripts** [#25] filed February 26, 2011.) More recently, the Colorado Supreme Court granted a petition for writ of *certiorari* in the case. (**See Order of Court** [#26] filed June 8, 2011.) Briefing in that case will not be completed until later this summer, and it is unclear when thereafter the matter may be heard and/or determined.

Given that the pertinent records are unavailable at this time and the possibility that the Colorado Supreme Court's resolution may alter fundamentally, if not moot all together, the claims asserted in the instant habeas petition, and after reviewing the report and the file, I conclude that this action should be closed administratively.

THEREFORE, IT IS ORDERED as follows:

1. That this action is **CLOSED ADMINISTRATIVELY**; and
2. That under **D.C.COLO.LCivR 41.2**, the clerk is **DIRECTED** to close this civil action administratively, subject to reopening for good cause.

Dated June 8, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge