

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

Civil Action No. 10-cv-02916-WYD

CECIL BYNUM,

Applicant,

v.

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

Respondents.

ORDER

On April 29, 2011, the Court entered an order instructing Respondents to file with the Clerk of the Court, in electronic format if available, a copy of the complete record of Mr. Bynum's state court proceedings in Case No. 05CR1502, including all documents in the state court file and transcripts of all proceedings conducted in the state court, but excluding any physical evidence (as opposed to documentary evidence) not relevant to the asserted claims.

On June 9, 2011, Respondents filed a Notice with the Court explaining that the Record is not currently available because of a remand ordered by the Colorado Court of Appeals in Applicant's postconviction criminal case. As the Denver District Court is continuing to deal with the criminal case, the state court record is not yet available for review by this court.

Accordingly, it is

ORDERED that Respondents shall file a status report every ninety (90) days, starting ninety (90) days from the date of this Order, updating the court on the status of the proceedings in Denver District Court

It is, further ORDERED that until the state court record is received by this Court, this matter will be held in abeyance.

Dated: June 16, 2011

BY THE COURT:

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