

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

Civil Action No. 11-cv-00608-WYD

JEREMY PINSON,

Applicant,

v.

DAVID A. BERKEBILE, Warden,

Respondent.

ORDER

This matter is before me on Applicant's *pro se* Motion for Order, ECF No. 47. Applicant requests that the Court direct Respondent to refrain from obstructing his access to counsel. Applicant contends Respondent will not mail letters to counsel, and he refuses to give a package to Applicant and to arrange a call with counsel.

I acknowledge there is no constitutional right to a hybrid form of representation and Applicant's counsel has filed a Reply consistent with the Tenth Circuit's remand order and elected not to address Applicant's *pro se* motion. Nonetheless, considering the nature of Applicant's allegations and the posture of this action, I will direct Applicant's counsel and Respondent to address Applicant's allegation of denial of access to the courts before I proceed to review the briefs on the mental health issue. Respondent is directed to include specific documentation of Applicant's incoming and outgoing mail from October 21, 2013, forward, including when Applicant sent and received mail from counsel, if counsel's mail has been withheld from Applicant, and if

the mail has been delayed, both incoming and outgoing, for how long and for what reason. Applicant's counsel is directed to address his ability to correspond with Applicant as is necessary to adequately address the issue on remand. Accordingly, it is

ORDERED that **within twenty-one days from the date of this Order**, or by **Tuesday, April 1, 2014**, Applicant's counsel and Respondent shall file a brief that complies with this Order.

Dated: March 11, 2014.

BY THE COURT:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE