

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00913-WJM

GREGG JOSEPH SAVAJIAN,

Applicant,

v.

KEVIN MILYARD, and
JOHN SUTHERS,

Respondents.

FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the orders entered in this case, FINAL JUDGMENT is entered.

I. Pursuant to the Order to Dismiss in Part and for Answer (ECF No. 31), filed January 30, 2012, by the Honorable William J. Martinez, United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that all ineffective assistance of counsel claims asserted in Claim Three, except the sleeping jurors claim, are dismissed as procedurally barred. It is

FURTHER ORDERED that within thirty days Respondents are directed to file an answer in compliance with Rule 5 of the Rules Governing Section 2254 Cases that fully addresses the merits of Claims One, Two, and the remaining part of Claim Three. It is

FURTHER ORDERED that within thirty days of the filing of the answer Mr. Savajian may file a reply if he desires. It is

FURTHER ORDERED that no order for the state court record will issue as the record already has been secured by the Court.

II. Pursuant to the Order on Application for Writ of Habeas Corpus (ECF No. 39), filed December 10, 2012, by the Honorable William J. Martinez, United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that Applicant Gregg Joseph Savajian's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("Application") (ECF No. 1) is DENIED and the civil action is dismissed WITH PREJUDICE. It is

FURTHER ORDERED that each party shall bear his own costs and attorney's fees.

DATED at Denver, Colorado December 11, 2012.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By s/ Edward Butler _____
Edward P. Butler
Deputy Clerk