

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable William J. Martínez**

Civil Action No. 11-cv-01090-WJM

TERENCE J. HANKINS, Prisoner No. 147323,

Applicant,

v.

KEVIN MILYARD, Warden, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER

On October 7, 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. Hankins' state court proceedings in Moffat County District Court Case No. 07CR159, 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 October 31, 2011, Respondents filed an Answer in addition to a portion of the state court record. In the Answer, Respondents explain that the complete state court record in Mr. Hankins' case is not currently available because Mr. Hankins' direct appeal is pending in the Colorado Court of Appeals. After examining the partial record that has been provided by Respondents, the Court has determined the entire record will be necessary in order to fully address the exhausted claims that Mr. Hankins raises in the Application. Therefore, this action will be held in abeyance until Mr. Hankins' direct

appeal has concluded and the state court record becomes available. 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 the Colorado Court of Appeals. It is

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

Dated this 13th day of January, 2012.

BY THE COURT:



William J. Martínez
United States District Judge