

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 11-cv-01795-PAB

DOUGLAS WILSON,

Applicant,

v.

SUSAN JONES, CSP Warden, and
JOHN SUTHERS, Attorney General of the State of Colorado,

Respondents.

ORDER

This matter is before the Court on the Second Motion to Reinstate Proceedings in the Above Titled and Numbered Cause [Docket No. 106] and Respondents' Response to Mr. Wilson's Motion to Lift Stay and Reinstate the Proceedings [Docket No. 110].

The operative pleading in this action is the amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, Docket No. 14, filed September 12, 2011. On February 13, 2012, the Court entered an Order to Dismiss in Part, Docket No. 52, that dismissed a number of Mr. Wilson's claims in the amended application as unexhausted and procedurally barred. The only claims that remain to be addressed on the merits are the claims the Court identified in the partial dismissal order as claims 3(a), 5, 6, and 8(b). On April 10, 2012, Respondents filed an Answer, Docket No. 65, that addresses the merits of Mr. Wilson's remaining claims and, on June 8, 2012, Mr. Wilson filed a traverse. Docket No. 68.

On August 31, 2012, the Court entered an Order, Docket No. 74, granting Mr. Wilson's motion for a stay of this action until state court postconviction proceedings are concluded. On September 29, 2014, the Court entered a Minute Order, Docket No. 100, administratively closing this action, subject to reopening for good cause.

Mr. Wilson asserts in the motion to lift stay and reinstate proceedings that state court postconviction proceedings have concluded because, on June 1, 2015, the Colorado Supreme Court affirmed the judgment of the Colorado Court of Appeals that affirmed the trial court's order denying postconviction relief. *See Wilson v. People*, 349 P.3d 257 (Colo. 2015). Respondents agree that state court postconviction proceedings have concluded and do not object to lifting the stay in this action and reinstating the proceedings. Therefore, the action will be reopened and the stay will be lifted. Because the Colorado Supreme Court addressed the merits of one of Mr. Wilson's remaining claims after respondents filed their Answer, respondents will be directed to file a supplement to the Answer that fully addresses the merits of that claim. Mr. Wilson will be given an opportunity to reply to respondents' supplement to their Answer. Accordingly, it is

ORDERED that the Second Motion to Reinstate Proceedings in the Above Titled and Numbered Cause [Docket No. 106] is granted. It is further

ORDERED that the instant action shall be reopened and returned to the Court's active docket. It is further

ORDERED that the stay entered in this action on August 31, 2012 is lifted. It is further

ORDERED that respondents shall file a supplement to their Answer within 21 days from the date of this order. It is further

ORDERED that applicant may file a reply, if any, to respondents' supplement to their Answer within 21 days after the supplement is filed.

DATED November 5, 2015.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge