

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-03360-RPM

TIMOTHY RADLOFF,

Petitioner,

v.

TOM CLEMENTS, Exec. Director, Colorado Department of Corrections,
DICK SMELSER, Warden, Crowley County Correctional Facility, and
JOHN W. SUTHERS, Attorney General, State of Colorado,

Respondents.

STAY ORDER

Upon review of the petitioner's reply [8], filed June 7, 2012, and it appearing that the question of whether Timothy Radloff should be granted an evidentiary hearing that is the subject of an appeal to the Colorado Court of Appeals from the denial by the State District Court of the petitioner's second Rule 35(c) motion and applying the principles of comity, the state court should have the opportunity to address that issue before further proceeding in this court on the habeas corpus petition and it is therefore

ORDERED that this action is stayed pending the appeal of the petitioner's second Rule 35(c) motion.

DATED: June 8th, 2012

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge