

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02590-BNB

WILLIE T. HAYES,

Applicant,

v.

JAMES FALK, D.O.C., Sterling Correctional Facility, and
THE ATTORNEY GENERAL OF THE STATE OF [COLORADO] JOHN SUTHERS,

Respondents.

ORDER

The amended habeas corpus application (ECF No. 12) filed by Applicant, Willie T. Hayes, on December 14, 2012, challenges what he terms as his “illegal placement on sex offender parole,” *id.* at 2, and the Colorado Board of Parole’s failure to provide to him a pre-classification hearing. However, in the instant action, Mr. Hayes already is challenging his conviction and sentence in the habeas corpus application (ECF No. 1) he originally filed on September 28, 2012, and for which Respondents have been ordered (ECF No. 9) to file a pre-answer response by December 21, 2012.

Respondents filed their response on December 17, 2012.

Mr. Hayes’ habeas corpus claims in the amended habeas corpus application are different from those raised in the original application in the sense that they do not challenge his conviction and sentence. Therefore, Mr. Hayes will ordered to inform the Court within fifteen days whether he intends to proceed with the claims already raised in the application he originally filed (ECF No. 1). If so, he will not be allowed to amend the

original application with unrelated claims, but rather may raise the claims he is asserting in the amended application (ECF No. 12) in a separate habeas corpus action, if he so desires.

Accordingly, it is

ORDERED that Applicant, Willie T. Hayes, is ordered to inform the Court **within fifteen (15) days from the date of this order** whether he intends to proceed with the claims challenging his conviction and sentence already raised in the habeas corpus application he originally filed (ECF No. 1). It is

FURTHER ORDERED that Applicant's failure to respond to this order within the time allowed will result in the dismissal of this action.

DATED December 17, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge