

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-02742-BNB

LEO SIMMONS

Applicant,

v.

JAMES FALK, Warden, and  
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

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**MINUTE ORDER**

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ORDER ENTERED BY MAGISTRATE JUDGE BOYD N. BOLAND

On December 19, 2012, Applicant filed a pleading titled, "Default Judgments-Against Officer or Agency of State C.R.C.P. 55(e)," ECF No. 14. The Court construes the pleading as a Motion for Default Judgment. Applicant asserts Respondents have failed to file a Response as they were instructed to do by the Court. The Motion is DENIED as inappropriate and moot. Respondents filed a Preliminary Response on November 21, 2012.

Although Respondents have submitted a certificate of mailing to the Court indicating they sent a copy of the Preliminary Response to Applicant on November 23, 2012, and Applicant filed a Brief on November 26, 2012, it is not clear that Applicant has received a copy of the Preliminary Response. The Court, therefore, will instruct Respondents to resend a copy to Applicant. The Court will give Applicant an additional twenty-one days from the date Respondents file a certificate of mailing with the Court indicating they resent a copy of the Preliminary Response to Applicant to file a Reply.

Dated: December 20, 2012

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