

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03053-BNB

EARL J. CROWNHART,

Applicant,

v.

JOHN W. SUTHERS, The Attorney General of the State of Colorado,

Respondent.

SECOND ORDER TO FILE RESPONSE

On January 23, 2013, Respondent was ordered to file within twenty-one days a Response to Applicant's habeas action.

A certificate of service, ECF No. 25, was filed on January 24, 2013. No acknowledgment of service has been received by the Court and Respondent has failed either to submit the requested Response or to communicate with the Court as to why Respondent is unable to comply with the January 24 Order within the time allowed.

The Court again directs Respondent pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts to file a Response limited to addressing affirmative defenses as specified in the January 24 Order. If Respondent does not intend to raise affirmative defenses, Respondent must notify the Court of that decision in the Response. Respondent may not file a dispositive motion as a Response, or an Answer, or otherwise address the merits of the claims in response to this Order.

In support of the Response, as instructed in the January 23 Order, Respondent should attach as exhibits all relevant portions of the state court records. Applicant may reply to the Response as instructed in the January 23 Order. Accordingly, it is

ORDERED that **within fifteen days rom the date of this Order** Respondent shall file a Response that complies with the January 23, 2013 Order. It is

FURTHER ORDERED that **within twenty-one days of the filing of the Response** Applicant may file a Reply, if he desires. It is

FURTHER ORDERED that if Respondent does not intend to raise affirmative defenses, Respondent must notify the Court of that decision in the Response.

DATED February 19, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge