

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00883-BNB

GEOFFREY DEL RANTZ,

Applicant,

v.

STEVE HARTLEY, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER TO FILE SUPPLEMENT TO PRE-ANSWER RESPONSE

As part of the preliminary consideration of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 1) in this action, the Court ordered Respondents to file a Pre-Answer Response limited to addressing the affirmative defenses of timeliness under 28 U.S.C. § 2244(d) and/or exhaustion of state court remedies. On May 29, 2013, Respondents filed a Pre-Answer Response (ECF No. 9) and on July 23, 2013, Applicant filed a reply (ECF No. 14) to the Pre-Answer Response.

Respondents argue in the Pre-Answer Response that the application is barred by the one-year limitation period in 28 U.S.C. § 2244(d) and that some of Applicant's claims are unexhausted and procedurally barred. With respect to the one-year limitation period, Applicant argues in his reply that the one-year limitation period should be equitably tolled. Respondents have not had an opportunity to address Applicant's equitable tolling arguments. Therefore, Respondents will be directed to file a supplement to the Pre-Answer Response that addresses Applicant's equitable tolling

arguments if Respondents wish to respond to those arguments. Accordingly, it is

ORDERED that **within twenty-one (21) days from the date of this Order** Respondents shall file a supplement to the Pre-Answer Response that complies with this Order if Respondents wish to respond to Applicant's equitable tolling arguments. It is

FURTHER ORDERED that **within twenty-one (21) days of the filing of any supplement to the Preliminary Response** Applicant may file a Reply to the supplement, if he desires.

DATED July 26, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge