

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01868-BNB

OLOYEA D. WALLIN, a.k.a. DONALD OLOYEA WALLIN, a.k.a. OLOYEA WALLIN,

Applicant,

v.

MICHAEL MILLER, Warden of Crowley County Correctional Facility, and
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

SECOND ORDER TO FILE 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 submitted to the Court on July 11, 2013, the Court determined that a limited Pre-Answer Response is appropriate pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and to *Denson v. Abbott*, 554 F. Supp.2d. 1206 (D. Colo. 2008). On August 23, 2013, the Court entered an order directing Respondents to file a Pre-Answer Response within twenty-one days. Respondents have failed to respond as directed. The Court again will order Respondents to file a Pre-Answer Response and to explain the failure to respond to the Court's August 23, 2013 Order. Accordingly, it is

ORDERED that **within seven days from the date of this Order** Respondents shall file a Pre-Answer that complies with the Court's August 23, 2013 Order and explain the failure to timely respond to the Court's August 23, 2013 Order. It is

FURTHER ORDERED that **within twenty-one days of the filing of the Pre-Answer Response** Applicant may file a Reply, if he desires, in keeping with the August 23, 2013 Order.

Dated: September 17, 2013

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge