

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02421-BNB

MATTHEW W. KANZ

Applicant,

v.

WARDEN BONNER, and
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 September 5, 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 September 11, 2013, the Court entered an order directing Respondents to file a Pre-Answer Response within twenty-one days. The Order was sent certified mail to the Warden and electronically to the Attorney General on September 12, 2013. A return receipt for the Warden's service was received by the Court on September 18, 2013. Respondents now have failed to respond within the time allowed.

The Court again will order Respondents to file a Pre-Answer Response and to explain the failure to respond to the Court's September 11, 2013 Order within the time allowed. 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 September 11, 2013 Order and explain the failure to timely respond to the Court's 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 September 11, 2013 Order.

Dated: October 4, 2013

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge