

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02663-BNB

MICHAEL BACOTE JR.,

Applicant,

v.

DAVID BERKEBILE,

Respondent.

SECOND ORDER TO FILE PRELIMINARY RESPONSE

On December 11, 2013, Mr. Bacote filed a document titled, "Amended Response for Habeas Corpus." The Court construes the document as an Amended Application. Respondent is directed to address the additional issues in the Preliminary Response that the Court, on December 3, 2013, directed Respondent to file. Accordingly, it is

ORDERED that **within twenty-one days from the date of this Order** Respondent shall file a Preliminary Response, as directed to do on December 3, 2013, that complies with this Order. It is

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

FURTHER ORDERED that if Respondent does not intend to raise the affirmative defense of exhaustion of administrative remedies, Respondent must notify the Court of that decision in the Preliminary Response.

DATED December 11, 2013, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge