

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01950-GPG

DEMETRIUS THOMAS,

Applicant,

v.

TRAVIS TRANI, and  
JOHN W. SUTHERS, Attorney General of the State of Colorado,

Respondents.

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ORDER TO FILE SUPPLEMENT TO PRE-ANSWER RESPONSE

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As part of the preliminary consideration of the amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 12) filed in this action September 2, 2014, 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 November 7, 2014, Respondents filed a Pre-Answer Response (ECF No. 20) and on December 2, 2014, Applicant filed a Reply to Pre-Answer Response (ECF No. 22).

Respondents apparently 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 many 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 December 3, 2014, at Denver, Colorado.

BY THE COURT:

s/ Gordon P. Gallagher  
United States Magistrate Judge