

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03055-GPG

ALEXANDER S. MARDIS,

Applicant,

v.

JAMES FALK, Warden, SCF, and
A.G. CYNTHIA H. COFFMAN,

Respondents.

ORDER TO FILE AMENDED PRELIMINARY RESPONSE

As part of the preliminary consideration of the amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 9) in this action, the Court ordered Respondents to file a Preliminary Response limited to addressing the affirmative defenses of timeliness under 28 U.S.C. § 2244(d) and/or exhaustion of state remedies. On February 11, 2015, Respondents filed a Preliminary Response (ECF No. 13) that addresses the affirmative defense of exhaustion of state court remedies.

On February 17, 2015, Applicant filed an amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 15) in which he amends his three claims. In light of the Amended Application, Respondents will be directed to file an amended Preliminary Response that addresses whether Applicant's claims in the Amended Application (ECF No. 15) filed February 17, 2015 are subject to dismissal for failure to exhaust state court remedies. Accordingly, it is

ORDERED that within twenty-one (21) days from the date of this Order

Respondents shall file an amended Preliminary Response that complies with this Order.

It is

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

DATED March 12, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher
United States Magistrate Judge