

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable William J. Martínez**

Civil Action No. 15-cv-00905-WJM

JAMES ANDERSON,

Applicant,

v.

MILLER, and
CYNTHIA COFFMAN, Attorney General of the State of Colorado,

Respondents.

ORDER

This matter is before the Court on the *pro se* Motion to Address Issues (ECF No. 25) filed November 17, 2015, by Applicant, James Anderson. Mr. Anderson alleges in the motion that he has filed two motions with no response from the Court, including a motion for an extension of time to file a traverse, and that he received a document on October 15 that relates to another inmate's case. Mr. Anderson does not identify the second motion he alleges he filed. He requests in the Motion to Address Issues an additional ninety days to file a traverse and he asks "that this matter please be fixed," that he "not be penalized in any manner," and that he "be told what to do so that [he] might move forward with [his] issues." (ECF No. 25 at 3.) The Court construes the Motion to Address Issues liberally as a request for an extension of time of ninety days to file a traverse. That request will be granted in part.

The operative pleading in this action is Mr. Anderson's second amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (ECF No. 8) filed

July 2, 2015. On July 6, Respondents were ordered to file a pre-answer response that addresses the affirmative defenses of timeliness and exhaustion of administrative remedies and Mr. Anderson was advised that he could file a reply within twenty-one days after the pre-answer response was filed. On July 27, 2015, Respondents filed their Pre-Answer Response (ECF No. 13). Mr. Anderson did not file a timely reply. Instead, on September 17, 2015, he filed a "Request for Ext. of Time" (ECF No. 18) requesting an additional ninety days to file a reply.

On September 23, 2015, the Court entered an Order to Dismiss in Part (ECF No. 22) that dismissed one of Mr. Anderson's claims because it was not a cognizable habeas corpus claim, denied the motion for extension of time, directed Respondents to file an answer that fully addresses the merits of Mr. Anderson's remaining claims, and directed Mr. Anderson to file a traverse within thirty days after the answer is filed. On October 22, 2015, Respondents filed their Answer (ECF No. 23).

Mr. Anderson's request for an extension of time to file a traverse is timely and will be granted in part. The request will be granted for a period of forty-five days only. If Mr. Anderson requires additional time to file a traverse, he should file another motion for an extension of time that addresses why he is unable to comply with the deadline and what efforts he had made to comply. Mr. Anderson will not be penalized for requesting an extension of time and this order addresses how the Court will proceed with respect to the merits of his remaining claims. Mr. Anderson is reminded that he may include in his reply any relevant arguments regarding his remaining claims that he wishes to raise. Accordingly, it is

ORDERED that the Motion to Address Issues (ECF No. 25), which the Court has construed as a request for an extension of time of ninety days to file a traverse, is GRANTED in part. It is further

ORDERED that Applicant shall have up to and including January 7, 2016, to file a traverse.

Dated this 18th day of November, 2015.

BY THE COURT:



William J. Martínez
United States District Judge