

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01874-GPG

DOUGLAS BURNS,

Applicant,

v.

EXECUTIVE DIRECTOR COLO. DOC, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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ORDER TO FILE SUPPLEMENT TO PRELIMINARY RESPONSE

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As part of the preliminary consideration of the Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 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 court remedies. On October 6, 2015, Respondents filed a Preliminary Response, and on October 19, 2015, Applicant filed a Reply to the Preliminary Response.

Respondents assert that they are not raising the statute of limitations affirmative defense and do not assert that Applicant has failed to exhaust state court remedies. Applicant, however, asserts in the Reply that Respondents have misstated his claims. Applicant argues that he is not requesting a recalculation of his good or earned time credits. He also argues this action does not challenge his parole computations but is challenging how his consecutive sentences were applied in conjunction with Colo. Rev. Stat. § 18-1.3-401(1)(a)(IV).

Respondents are directed to supplement the Preliminary Response and confirm this is the claim Applicant is raising and they are not raising the statute of limitations affirmative defense as to this claim and Applicant has exhausted state court remedies as to this claim. Accordingly, it is

ORDERED that **within fourteen days from the date of this Order** Respondents shall file a Supplement to the Preliminary Response that complies with this Order. It is

FURTHER ORDERED that **within fourteen days of the filing of a Supplement to the Preliminary Response** Applicant may file a Reply to the supplement, if he desires.

DATED October 29, 2015, at Denver, Colorado.

BY THE COURT:

s/Gordon P. Gallagher  
United States Magistrate Judge