

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ALBERT L. BOSCH,

Petitioner,

v.

CASE NO. 05-3046-SAC

DAVID R. MCKUNE, et al.,

Respondents.

O R D E R

Petitioner proceeds pro se on a petition for habeas corpus filed pursuant to 28 U.S.C. 2254. The court reviewed the petition and directed respondents to show cause why the writ should not be granted. The court thereafter granted respondents' multiple motions for extensions of time to file an answer and return.

In correspondence to the court, petitioner questioned whether he could still file supplemental material in support of his petition, what page limitations would apply, and whether he would still be allowed to file a traverse to respondents' answer and return if he filed such a supplemental memorandum. The court liberally construed this pro se document as requesting leave to file a supplemental memorandum (Doc. 2) and granted the request. The court granted petitioner thirty days to file the supplemental pleading, stayed the filing of respondents' answer and return for thirty days, indicated a traverse to the answer would be due within ten days of service of the answer and return on petitioner, and advised petitioner of this court's 40 page limit

on the proposed supplemental memorandum.¹

Petitioner's motion to withdraw (Doc. 24) the court construed motion for leave to file a supplemental memorandum is granted. Petitioner's renewed motion for appointment of counsel (Doc. 23) is denied without prejudice.

The record reflects respondents' filing of an answer and return. Petitioner is granted ten days from the date of this order to file a traverse. This court's page limit for such a responsive pleading is 20 single sided pages.

IT IS THEREFORE ORDERED that petitioner's motion to withdraw his request to file a supplemental memorandum to the petition (Doc. 24) is granted, and that petitioner's renewed motion for appointment of counsel (Doc. 23) is denied.

IT IS FURTHER ORDERED that petitioner is granted ten (10) days from the date of this order to file a traverse.

IT IS SO ORDERED.

DATED: This 27th day of September 2005 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge

¹Petitioner thereafter submitted correspondence in which he complained that his earlier letter was not intended as a motion and that his questions had not been answered (Doc. 22), and renewed his request for appointment of counsel (Doc. 23). Petitioner is advised that the clerk's office is unable to provide legal advice, and that ex parte contact with the court is prohibited. If specific assistance from the court is being requested in petitioner's case, petitioner is to file a motion for the court's consideration.