

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

LEVI LOVE,

Petitioner,

v.

**RAY ROBERTS, Warden, El Dorado
Correctional Facility, and PHILL KLINE,
Kansas Attorney General,**

Respondents.

No. 05-3481-CM

ORDER

This case is before the court on three motions: Motion for Counsel (Doc. 28); Motion to Release Prisoner on Own Recognizance (Doc. 29); and Motion for Default and Declaratory Judgment (Doc. 31). Petitioner's motions are premature and do not justify relief at this stage of the proceedings. Once the court has fully reviewed petitioner's petition for habeas relief and the extensive record in this case, the court will determine whether an evidentiary hearing is necessary and whether to appoint counsel. If appropriate, the court will appoint counsel at that time without further motion from petitioner. Likewise, the court will also determine whether release is appropriate pending appeal if and when the court determines that petitioner is entitled to habeas relief. Finally, petitioner's motion for default and/or declaratory judgment cites no valid basis for relief. Respondents have responded to petitioner's petition and the court will rule on the merits of the petition after the court has concluded its full review of the record in this case. If, as petitioner claims, respondents have not responded fully to any particular issues, the court will address any deficiencies at that time. Once the court has concluded its review, it will notify the parties whether

it will conduct an evidentiary hearing and, if appropriate, appoint counsel for petitioner and/or grant other relief.

As a final note, the court understands that petitioner is frustrated with the perceived delay in consideration of his habeas petition. Petitioner is advised that the court will give full attention to his case and thoroughly evaluate the merits of the case as quickly as the court's docket allows.

IT IS THEREFORE ORDERED that the Motion for Counsel (Doc. 28) is denied.

IT IS FURTHER ORDERED that the Motion to Release Prisoner on Own Recognizance (Doc. 29) is denied.

IT IS FURTHER ORDERED that Motion for Default and Declaratory Judgment (Doc. 31) is denied.

Dated this 25th day of May 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge