

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,

Petitioner,

v.

CASE NO. 06-3005-SAC

CHARLES SIMMONS,

Respondent.

O R D E R

By an order entered on January 11, 2006 (Doc. 3), the court directed petitioner to supplement the record with a statement describing his use of state court remedies. Petitioner was notified that the failure to file a timely response might result in the dismissal of this action without additional notice. There has been no response, and the court concludes this petition for habeas corpus may not proceed in the absence of a showing that petitioner pursued state court remedies. Montez v. McKinna, 208 F.3d 862, 865 (10<sup>th</sup> Cir. 2000).

IT IS THEREFORE ORDERED this application for habeas corpus is dismissed without prejudice.

IT IS FURTHER ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is denied as moot.

A copy of this order shall be transmitted to the petitioner.

**IT IS SO ORDERED.**

DATED: This 7<sup>th</sup> day of February, 2006, at Topeka, Kansas.

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