

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HERBERT E. MORTON, JR.,
Petitioner,

v.

CASE NO. 06-3031-SAC

RAY ROBERTS, et al.,
Respondents.

MEMORANDUM AND ORDER

This is a pro se petition for writ of habeas corpus, 28 U.S.C. 2254, filed by an inmate of the El Dorado Correctional Facility, challenging his state conviction of aggravated kidnaping. Petitioner has been granted leave to proceed in forma pauperis.

On February 15, 2006, this court entered a Memorandum and Order granting petitioner twenty (20) days to show cause why this action should not be dismissed as time-barred and for failure to state a claim for federal habeas corpus relief. Plaintiff moved for and was granted a thirty (30) day extension of time to show cause by order entered April 13, 2006. The time given plaintiff to show cause why this action should not be dismissed for the reasons stated in the court's Memorandum and Order dated February 15, 2006, has expired, and plaintiff has filed no response to the court's order to show cause.

The court concludes that this action must be dismissed for the reasons stated in its Memorandum and Order filed February 15, 2006, including that the Petition was untimely filed under 28 U.S.C. 2244(d)(1), and fails to state a claim for federal

habeas corpus relief.

IT IS THEREFORE BY THE COURT ORDERED that this action is dismissed and all relief denied.

IT IS SO ORDERED.

Dated this 25th day of May, 2006, at Topeka, Kansas.

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