

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DALE E. McCORMICK,
Petitioner,

v.

CASE NO. 06-3098-SAC

PHIL KLINE, et al.,
Respondents.

O R D E R

This matter is before the court upon respondents' third Motion for Extension of Time (Doc. 11) to answer the court's show cause order (Doc. 5). Petitioner has filed an Objection to the Motion (Doc. 12), stating his disbelief as to the ground stated for the motion, that the Attorney General's Office is still awaiting the records of petitioner's state trial proceedings. The court has considered the Motion and Objection; and notes other circumstances, some acknowledged by petitioner, including that one counsel for respondents withdrew from the action and another entered his appearance on the day the instant motion was filed. The court concludes petitioner presents reasonable arguments, but does not provide sufficient facts for this court to find that respondents' motion is not made in good faith or for good cause. Accordingly, the court finds the motion should be granted.

However, the court also finds that further extensions of time should not be allowed in this case on the sole ground that respondents are awaiting court records without a statement either

of additional grounds or a more detailed explanation as to why the state court records are not forthcoming.

IT IS THEREFORE ORDERED that respondent's Motion for Extension (Doc. 11) is granted and the time in which respondents must respond to the court's show cause order entered on October 10, 2006, is extended to and including March 6, 2007.

IT IS SO ORDERED.

Dated this 6th day of February, 2007, at Topeka, Kansas.

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