

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GARLAND M. LUNDRY,

Petitioner,

v.

CASE NO. 06-3343-SAC

STATE OF KANSAS,
et al.,

Respondents.

O R D E R

This is a petition for writ of habeas corpus, 28 U.S.C. 2254, filed upon payment of the filing fee by an inmate of the Lansing Correctional Facility, Lansing, Kansas. Mr. Lundry seeks to challenge his convictions in March, 2002, in the Reno County District Court, Hutchinson, Kansas, of solicitation of murder in the second degree, and three counts of aggravated assault. He was sentenced to 78 months in prison.

On January 5, 2007, this court entered a Memorandum and Order in which it set forth facts indicating this action was not filed within the applicable statute of limitations, 28 U.S.C. 2244(d)(1). Petitioner was given thirty (30) days to show cause why his Petition should not be dismissed as time-barred, and in particular to show his entitlement to equitable tolling. The time for response has passed, and Mr. Lundry has submitted no response or further pleadings to the court. The court finds this action must therefore be dismissed as time-barred for the reasons stated in its Memorandum and Order of January 5, 2007.

IT IS THEREFORE ORDERED that this action is dismissed as

time barred under 28 U.S.C. 2244(d)(1), and all relief is denied.

IT IS SO ORDERED.

Dated this 13th day of March, 2007, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge