

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LARRY D. JOHNSON,

Petitioner,

v.

CASE NO. 07-3008-SAC

STATE OF KANSAS,
et al.,

Respondents.

O R D E R

On January 19, 2007, this court entered a Memorandum and Order granting petitioner thirty (30) days in which to satisfy the filing fee, and to show cause why this petition for writ of habeas corpus, 28 U.S.C. 2254, should not be dismissed for failure to exhaust state remedies and as time-barred. The court soon thereafter received petitioner's Motion for Leave to Proceed in forma pauperis which is post-marked prior to the court's order. The time set by the court has expired, and petitioner has filed no response to the court's show cause order regarding exhaustion and timeliness.

IT IS THEREFORE ORDERED petitioner's Motion for Leave to Proceed in forma pauperis (Doc. 3) is granted, and this action is dismissed, without prejudice, due to petitioner's failure to respond to the court's show cause order.

IT IS SO ORDERED.

Dated this 2nd day of March, 2007, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge