

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DARRYL LEWIS,

Petitioner,

v.

CASE NO. 07-3323-SAC

DAVID McKUNE,
et al.,

Respondents.

O R D E R

Petitioner herein, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, seeking to vacate his conviction of second degree murder and sentence entered in the District Court of Wyandotte County, Kansas, in January, 1990. On January 9, 2008, upon screening the Petition, this court entered an Order finding Mr. Lewis had not paid the filing fee or submitted a motion for leave to proceed in forma pauperis, had not shown exhaustion of state court remedies, and it appeared from the face of his Petition that it was not filed within the applicable statute of limitations. In its Order, the court granted petitioner thirty days in which to pay the filing fee of \$5.00 or submit a properly documented motion to proceed without prepayment of fees, and to file an Amended Petition on forms provided by the court in which he explained how he had fully exhausted state court remedies on each of his claims and alleged facts showing cause why this action should not be dismissed as time-barred.

The time for petitioner's response has elapsed, and nothing

has been submitted by petitioner. The court finds this action must be dismissed, without prejudice, on account of petitioner's failure to satisfy the filing fee and respond to the court's order dated January 9, 2008.

IT IS THEREFORE ORDERED that this action is dismissed and all relief is denied, without prejudice.

IT IS SO ORDERED.

Dated this 25th day of March, 2008, at Topeka, Kansas.

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