

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TERRY D. MCINTYRE,

Petitioner,

v.

Case No. 08-3089-SAC

DAVID MCKUNE, et al.

Respondents.

O R D E R

This matter is before the court upon respondent's Motion for Extension of Time (Doc. 5) in which to file their Answer and Return. Petitioner has filed a Response (Doc. 6) opposing respondent's motion. The court, having considered these materials, concludes good cause exists for respondent's request. Petitioner's allegations in his Response do not refute that respondent is not yet in possession of the state court records. Respondent is entitled to adequate time to obtain the state court records and prepare its answer to the Petition. Petitioner's allegation of bad faith is not supported by any facts. Accordingly, the court finds the motion for extension should be granted.

IT IS THEREFORE ORDERED that respondent's Motion for Extension of Time (Doc. 5) is granted; and respondents are allowed additional time in which to file their Answer and Return up to and including July 5, 2008.

IT IS SO ORDERED.

Dated this 29th day of May, 2008, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge