

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARTHUR STAR LOGAN,

Petitioner,

v.

CASE NO. 08-3236-SAC

STATE OF KANSAS,

Respondent.

O R D E R

Papers beginning with "Motion" for "writ of habeas corpus/601507" were received from petitioner herein and initially filed in this court as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 for the reasons that they were entitled a motion for writ of habeas corpus, from a person in state custody, and contain challenges to petitioner's state convictions. This court entered an Order on October 31, 2008, informing Mr. Logan that a motion under K.S.A. § 60-1507 must be filed in state court. Petitioner was given time to state whether or not he wanted this action to proceed in federal court as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, and if so, to file an "Amended Petition" on forms provided by this court for filing a § 2254 petition. He was also required to either pay the filing fee or submit a motion for leave to proceed in forma pauperis. Petitioner was informed that if he did not respond to the court's Order in the time provided, this action could be dismissed without

further notice. The time in which petitioner was required to respond to the court's Order of October 31, 2008, has expired and petitioner has filed no response. The court concludes this action must be dismissed without prejudice for reasons stated herein and in the court's prior Order.

IT IS THEREFORE ORDERED that this action is dismissed, without prejudice.

IT IS SO ORDERED.

Dated this 23rd day of December, 2008, at Topeka, Kansas.

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