

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GARY MULLANE,

Petitioner,

v.

CASE NO. 09-3011-RDR

C. CHESTER,
Warden, U.S.P.L.,

Respondent.

O R D E R

This petition for writ of habeas corpus, 28 U.S.C. § 2241, was filed by an inmate of the United States Penitentiary, Leavenworth, Kansas. Petitioner complains that he is being illegally excluded from "early release after successful completion of the 500 hour Residential Drug Abuse Program." He has now paid the filing fee. Having examined the materials filed, the court finds a responsive pleading is required.

IT IS THEREFORE ORDERED that respondent herein is hereby required to show cause within twenty (20) days from the date of this order why the writ should not be granted and the prisoner released from custody; that the petitioner is hereby granted ten (10) days after receipt by him of a copy of the respondents' answer and return to file a traverse thereto, admitting or denying under oath all factual allegations therein contained; and that the file then be returned to the undersigned judge for such further action as may be appropriate.

IT IS FURTHER ORDERED that petitioner shall serve upon the

United States Attorney for the District of Kansas a copy of every further pleading or other document submitted for consideration by this court, and that petitioner's pleadings must contain a certificate of service indicating the date a true and exact copy was mailed to the United States Attorney. Any material submitted for filing which does not include a certificate of service will not be accepted by the court.

IT IS SO ORDERED.

DATED: This 17th day of March, 2009, at Topeka, Kansas.

s/RICHARD D. ROGERS
United States District Judge