

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SCOTT L. STAGGS,

Petitioner,

vs.

CIVIL ACTION
No. 10-3113-SAC

JAMES HEIMGARTNER,¹

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed pursuant to 28 U.S.C. § 2254. By its order of April 5, 2011, the court granted petitioner an extension of time to and including May 6, 2011, to complete and return the form petition.

Petitioner has not filed a response, and it is unclear whether he intends to pursue this action. Accordingly, the court enters the present order pursuant to D. Kan. R. 41.1, Dismissal for Lack of Prosecution, which provides:

At any time, the court may issue an order to show cause why a case should not be dismissed for lack of

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The court substitutes petitioner's custodian as the respondent in this matter. See Rules Governing Habeas Corpus Cases Under Section 2254, Rule 2(a)(where the applicant for relief challenges present custody, "the state officer having custody of the applicant shall be named as respondent.")

prosecution. If good cause is not shown within the time prescribed by the show cause order, the court may enter an order of dismissal. The dismissal will be with prejudice unless the court otherwise specifies.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner is directed to show cause on or before June 17, 2011, why this matter should not be dismissed for lack of prosecution. The failure to file a timely response may result in the dismissal of this matter without additional prior notice to the petitioner.

IT IS FURTHER ORDERED Warden James Heimgartner is substituted as the respondent in this matter, and the individual defendants are dismissed.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 17th day of May, 2011.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge