

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MARK McCLOUGH,

Petitioner,

v.

CASE NO. 11-3022-SAC

DAVID R. McKUNE, et al.,

Respondents.

O R D E R

This matter comes before the court upon petitioner's Motion for Extension of Time in which to file his Traverse (Doc. 15). The court having considered the same concludes that good cause exists for said request and grants this motion.

In his motion, petitioner alleges that he has not received copies of documents filed with the Answer and Return, and states that he requires copies of all such documents in order to fully respond. He cites 28 U.S.C. §§ 2248, 2249 and 2250. However, these statutes do not require that a habeas petitioner automatically be served with all state court records and documents that are filed with the Answer and Return. Instead, under § 2248 a habeas petitioner is to be furnished records at no cost only when required by court order upon a sufficient showing by the petitioner of need for particular documents. A blanket request, such as made by petitioner herein, is insufficient to allow the court to make a determination of necessity. Generally, a habeas petitioner has presented the same claims in the state

courts, was present at trial and any hearings, and has had access to the court records.

Petitioner has confused the court by filing a Traverse five days after he requested a sixty-day extension. In his Traverse petitioner again refers to not having received the state court records. The court grants petitioner's extension of time to file his Traverse. However, if petitioner is satisfied with the Traverse he currently has on file and no longer wishes any extension of time, he may so notify the court.

**IT IS THEREFORE BY THE COURT ORDERED** that petitioner's motion for extension (Doc. 15) be, and is hereby granted, and petitioner is allowed additional time in which to file his Traverse, up to and including October 23, 2011.

**IT IS FURTHER ORDERED** that petitioner's blanket request for copies of documents filed with the Answer and Return is denied, without prejudice.

**IT IS SO ORDERED.**

Dated this 24<sup>th</sup> day of August, 2011, at Topeka, Kansas.

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