

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PREVIN E. TAUER,

Petitioner,

vs.

CIVIL ACTION  
No. 11-3126-SAC

JAMES HEIMGARDNER,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed pursuant to 28 U.S.C. § 2254. By its Memorandum and Order entered on August 2, 2011 (Doc. 2), the court directed petitioner to show cause why this matter should not be dismissed due to petitioner's failure to commence this action within the one-year limitation period established by 28 U.S.C. § 2244(d). Petitioner was directed to respond on or before September 2, 2011, and was advised the failure to file a timely response might result in the dismissal of this matter without additional prior notice.

Petitioner failed to respond. The court has again considered the record and concludes, for the reasons stated in the order of August 2, 2011, that this matter must be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED the petition for habeas corpus is dismissed due to petitioner's failure to commence this matter within the one-year limitation period.

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

**IT IS SO ORDERED.**

Dated at Topeka, Kansas, this 8<sup>th</sup> day of September, 2011.

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