

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBERT F. CHRISTIE,

Petitioner,

vs.

Case No. 16-3207-SAC

WARDEN HEIMGARTNER,

Respondent.

ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus filed by a prisoner in state custody. Petitioner proceeds pro se and submitted the filing fee. Because Petitioner challenges the execution of his sentence, rather than the validity of his conviction, the Court construes this action as a petition filed pursuant to 28 U.S.C. § 2241. See *Brace v. United States*, 634 F.3d 1167, 1169 (10th Cir. 2011) (stating that petition under § 2241 attacks the execution of a sentence rather than its validity). The Court, having examined the materials filed in this case, finds that 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 Respondent's 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.

Copies of this order shall be transmitted to the parties and to the Kansas Attorney General.

IT IS SO ORDERED.

DATED this 22nd day of November, 2016, at Topeka, Kansas.

s/Sam A. Crow

Sam A. Crow, U.S. District Senior Judge