IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BOBBI DARNELL,

Petitioner,

v. **CASE NO. 17-3063-JWL**

JOHN MERCHANT and
KICKAPOO TRIBE IN KANSAS,

Respondents.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 25 U.S.C. § 1303. Petitioner was convicted in March 2017 in the Kickapoo Tribal District Court. Although she was released on bond after her conviction, petitioner was arrested on March 31, 2017, and has been incarcerated in the Brown County Jail since that time.

The petition for habeas corpus alleges a number of errors in the proceedings against petitioner, and due to the gravity of her allegations, the Court will direct the parties to reply to her request for immediate release pending the resolution of this habeas corpus action. *See Pfaff v. Wells*, 648 F.2d 689, 693 (10th Cir. 1981)(recognizing the inherent authority of a federal district court to enlarge a prisoner on bond, pending a decision on a petition for habeas corpus). While such relief is appropriate only upon a showing of exceptional circumstances and the existence of a substantial constitutional issue, *Pfaff, id.*, and *Johnson v. Nelson*, 877 F.Supp. 569, 570 (D. Kan. 1995), petitioner's allegations of error appear adequate, at this state, to warrant consideration of her request.

IT IS, THEREFORE, ORDERED that respondents are directed to respond to petitioner's request for immediate release on or before Monday, May 8, 2017, by 5:00 p.m.

IT IS SO ORDERED.

DATED: This 5th day of May, 2017, at Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
U.S. District Judge