

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

BRIAN A. CAMPBELL,

Petitioner,

v.

CASE NO. 17-3145-SAC

JEFF EASTER, et al.,

Respondent.

ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241 by a prisoner in state custody. Petitioner proceeds pro se and has filed a motion for leave to appear in forma pauperis (Doc. 2). The Court grants Petitioner leave to appear in forma pauperis.

Petitioner has also filed a Motion for Appointment of Counsel (Doc. 3), arguing that he has limited access to information and that his case is complicated. “[T]he appointment of counsel in a habeas action lies within the sound discretion of the habeas court unless the case is so complex that the denial of counsel would amount to the denial of due process.” *Holloway v. Hatch*, 250 F. App’x 899, 901 (10th Cir. 2007) (quoting *Nance v. Nelson*, 60 F.3d 837, 1995 WL 380803, at *6 (10th Cir. June 21, 1995) (unpublished opinion)). This is not such a case. The Court denies the motion for appointment of counsel.

The Court, having examined the materials filed in this case, finds that a responsive pleading is required.

IT IS THEREFORE ORDERED BY THE COURT that Petitioner’s motion for leave to appear in forma pauperis (Doc. 2) is **granted**.

IT IS FURTHER ORDERED that Petitioner's motion for appointment of counsel (Doc. 3) is **denied**.

IT IS FURTHER 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 30th day of August, 2017, at Topeka, Kansas.

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