

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

RONALD ADRIN GRAY,

Petitioner,

vs.

Case No. 18-3305-EFM

KEVIN PAYNE¹,

Respondent.

MEMORANDUM AND ORDER

This matter comes before the Court on Respondent's unopposed motion for extension of time to file his answer to the amended petition. (Doc. 56.) The Court is fully aware of the issues in this case, which are extremely complex. The motion will be granted.

IT IS THEREFORE ORDERED that Colonel Michael Johnston is no longer serving as Commandant of the United States Disciplinary Barracks in Ft. Leavenworth, Kansas and should be terminated from this matter.

¹ As noted in the motion, the proper respondent in a federal habeas action is the person who has custody over the petitioner. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("[I]n habeas challenges to present physical confinement ... the default rule is that the proper respondent is the warden of the facility where the prisoner is being held."). Thus, Colonel Kevin Payne, the current commandant of the United States Disciplinary Barracks where Petitioner is confined, is hereby substituted as Respondent pursuant to Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts and Rules 25(d) and 81(a)(4) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Colonel Kevin Payne, Commandant of the United States Disciplinary Barracks where Petitioner is confined, is substituted as Respondent in this matter. The clerk's office is directed to add Colonel Kevin Payne as Respondent and to change the case caption of the case.

IT IS FURTHER ORDERED that Respondent's answer to the Amended Petition is currently due on or before March 12, 2024. Respondent's Motion for Extension of time of 90-days to file an answer, Doc. 56, is **granted**. Respondent is granted to and including June 11, 2024 in which to file his answer to the amended petition for writ of habeas corpus. Petitioner will be granted 30 days from receipt of the answer to file a traverse, or reply, to the answer.

IT IS SO ORDERED.

Dated this 8th day of March, 2024.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
CHIEF UNITED STATES DISTRICT JUDGE