

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

JERRY D. SELLERS, JR.,

Petitioner,

v.

CASE NO.19-3259-SAC

DON LANGFORD,

Respondent.

MEMORANDUM AND ORDER

This matter is a Petition for habeas corpus filed under 28 U.S.C. § 2254. Petitioner proceeds pro se.

The Court conducted an initial review of the Petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and issued a Notice and Order to Show Cause (ECF No. 4). The NOSC required Petitioner to show cause why his Petition should not be dismissed as barred by the limitation period.

Petitioner has filed a response to the NOSC (ECF No. 5) providing additional information and argument as to why his Petition should not be dismissed as untimely. The Court concludes, after reviewing the response, that a limited Pre-Answer Response (PAR) from Respondent is appropriate in this matter. *See Denson v. Abbott*, 554 F. Supp. 2d 1206 (D. Colo. 2008).

Accordingly, the Court directs Respondent to file such a response limited to addressing the affirmative defense of timeliness under 28 U.S.C. § 2244(d). If Respondent does not intend to raise that defense, Respondent shall notify the Court of that decision in the PAR.

Upon the filing of the PAR, Petitioner may reply and may provide any information that may be relevant to the defense identified in the PAR.

IT IS THEREFORE ORDERED that Respondent is granted to and including **May 5, 2021**, to file a Pre-Answer Response that complies with this order.

IT IS FURTHER ORDERED that Petitioner is granted to and including **June 7, 2021**, to file a reply.

IT IS SO ORDERED.

DATED: This 5th day of April, 2021, at Topeka, Kansas.

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