

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

RODOLFO GAONA,

Petitioner,

v.

CASE NO. 19-3262-SAC

STATE OF KANSAS,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2254. Petitioner proceeds pro se and has filed a motion for leave to proceed in forma pauperis. The Court has conducted an initial review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

The Court concludes, after a preliminary review of the petition, that a limited Pre-Answer Response (PAR) 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 that response.

IT IS THEREFORE ORDERED that Petitioner's motion for leave to proceed in forma pauperis (ECF No. 2) is denied as moot as Petitioner has paid the filing fee.

IT IS FURTHER ORDERED that Respondent is granted to and including **May 18, 2020**, to file a Pre-Answer Response that complies with this order.

IT IS FURTHER ORDERED that Petitioner is granted to and including **June 18, 2020**, to file a reply.

IT IS SO ORDERED.

DATED: This 16th day of April, 2020, at Topeka, Kansas.

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