

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

KENNETH E. WADDELL,

Petitioner,

v.

CASE NO. 21-3039-SAC

STATE OF KANSAS,

Respondent.

ORDER TO SHOW CAUSE

This matter is a Petition for habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner proceeds *pro se* and has requested leave to proceed *in forma pauperis* (ECF Nos. 2 and 5). Leave is hereby granted.

The Court has conducted an initial screening of the Petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and finds a response is required.

Also before the Court is a motion filed by Petitioner titled “Motion for In Banc and Instanter” (ECF No. 3). It is unclear to the Court what Petitioner is requesting in his motion. For that reason, the motion is denied without prejudice to his refiling a clarified motion.

IT IS, THEREFORE, BY THE COURT ORDERED that Petitioner’s motion for leave to proceed *in forma pauperis* (ECF Nos. 2 and 5) is **granted**.

IT IS FURTHER ORDERED that Petitioner’s Motion for In Banc and Instanter (ECF No. 3) is **denied**.

IT IS FURTHER ORDERED:

1. That Respondent shall show cause within thirty (30) days from the date of this Order why the writ should not be granted.

2. That the response should present:

- (a) The necessity for an evidentiary hearing on each of the grounds alleged in Petitioner's pleading; and
- (b) An analysis of each of said grounds and any cases and supporting documents relied upon by Respondent in opposition to the same.

3. Respondent shall cause to be forwarded to this Court for examination and review the following:

the records and transcripts, if available, of the state proceedings complained of by Petitioner; if a direct appeal of the judgment of the trial court was taken by Petitioner, Respondent shall furnish the records, or copies thereof, of the appeal proceedings.

Upon the termination of the proceedings herein, the Clerk of this Court will return to the clerk of the proper state court all such state court records and transcripts.

4. That Petitioner is granted thirty (30) days after receipt by him of a copy of Respondent's answer and return to file a traverse thereto, admitting or denying, under oath, all factual allegations therein contained.

5. That the Clerk of the Court shall transmit copies of this Order to Petitioner and to the office of the Attorney General for the State of Kansas.

IT IS SO ORDERED.

Dated April 19, 2021, in Topeka, Kansas.

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