

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

JOHN ROSS STENBERG,

Petitioner,

v.

CASE NO. 22-3308-JWL-JPO

DONALD LANGFORD,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed by Kansas prisoner John Ross Stenberg, who proceeds pro se and in forma pauperis. The Court has conducted the initial review of the petition required by Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and finds that:

1. Petitioner is presently a prisoner in the custody of the State of Kansas; and
2. Petitioner demands his release from such custody, and as grounds therefore alleges that he is being deprived of his liberty in violation of his rights under the Constitution of the United States, and he claims that he has exhausted all remedies afforded by the courts of the State of Kansas.

IT IS THEREFORE ORDERED

1. That pursuant to Rule 5 of the Rules Governing Section 2254 Cases, Respondent shall file an answer on or before February 10, 2023 showing why the writ should not be granted based on the arguments in the petition and attachments thereto.
2. That the answer should present:
 - a. The necessity for an evidentiary hearing on the grounds alleged in Petitioner's

pleading;

- b. Whether any ground in the petition is barred by a statute of limitations, the failure to exhaust state remedies, or any other procedural bar; and
- c. An analysis of each of said grounds and any cases and supporting documents relied upon by Respondent in opposition to the same.

Respondent shall cause to be forwarded to this Court for examination and review the records and transcripts, if available, of the criminal proceedings complained of by Petitioner. If a direct appeal of the judgment and sentence of the trial court was taken by Petitioner, Respondent shall furnish the records, or copies thereof, of the appeal proceedings and any subsequent postconviction proceedings.

- 3. That upon the termination of the proceedings herein, the clerk of this Court will return to the clerk of the proper state court all state court records and transcripts.
- 4. That Petitioner be granted thirty (30) days after receipt by him of a copy of Respondent's answer to file a traverse thereto, admitting or denying, under oath, all factual allegations therein contained.
- 5. That the clerk of this Court then return this file to the Honorable John W. Lungstrum for such other and further proceedings as may be appropriate; and that the clerk of this Court 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: This 10th day of January, 2023, at Kansas City, Kansas.

S/ James P. O'Hara

JAMES P. O'HARA

United States Magistrate Judge