

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

DARYL ARMSTRONG, JR.,

Petitioner,

v.

CASE NO. 23-3141-JWL

DON LANGFORD,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Petitioner and Kansas state prisoner Daryl Armstrong, Jr. It comes before the Court on Petitioner's status report. (Doc. 14.) Petitioner advises that the state district court has appointed counsel to represent him in the ongoing state court proceedings under K.S.A. 60-1507.¹ In light of this information, this Court will stay this federal habeas matter until the completion of the state court proceedings.

Petitioner is directed to inform this Court by written status report within 10 days of receiving notice of an appeal from case SA-2023-000066 being docketed in the Kansas appellate courts. The status report should include the case number assigned to the appeal. If Petitioner has not received notice that his appeal has been docketed on or before April 15, 2024, he is directed to file on or before April 30, 2024 a written status report with this Court setting forth any relevant details about the progress of the state court proceedings. At that time, this Court will issue further

¹ To the extent that Petitioner's status report argues that the state court has misconstrued or mislabeled filings he has made in the ongoing 60-1507 action, Petitioner should address such argument to the state courts. As a federal court, this Court generally does not intervene in ongoing state criminal proceedings or post-conviction actions related to criminal proceedings unless "irreparable injury" is "both great and immediate." See *Younger v. Harris*, 401 U.S. 37, 46 (1971).

orders as necessary. If Petitioner fails to file a written status report with this Court on or before April 30, 2024, this matter may be dismissed without further prior notice to Petitioner.

IT IS THEREFORE ORDERED THAT this matter is **STAYED** pending completion of the related state-court proceedings under K.S.A. 60-1507. Petitioner is granted until and including April 30, 2024, in which to file a written status report on the ongoing state-court proceedings as detailed above, after which the Court will issue further orders as necessary.

IT IS SO ORDERED.

DATED: This 11th day of January, 2024, at Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge