

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

NICHOLAS COX,

Petitioner,

v.

CASE NO. 23-3227-JWL

TOMMY WILLIAMS,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Petitioner and state prisoner Nicholas Cox proceeds pro se and has paid the required filing fee. The Court has completed reviewing the amended petition filed January 4, 2024 (Doc. 10) as required by Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts. The Court 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 with respect to the arguments made in his petition.

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 March 11, 2024 showing why the writ should not be granted based on the arguments in the petition and attachments thereto.
2. That the answer should address:

- a. The necessity for an evidentiary hearing on the grounds alleged in Petitioner's pleading;
- b. Whether the arguments in the petition are barred by a statute of limitations or any other procedural bar; and
- c. An analysis of the asserted grounds for relief 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 to and including April 11, 2024 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 undersigned 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, 2024, at Kansas City, Kansas.

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