

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

DARNELL RUSHING  
ADC #80025

PETITIONER

vs.

Case No. 5:10-CV-00127-SWW/JTK

RAY HOBBS, Interim Director  
Arkansas Department of Correction

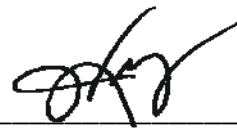
RESPONDENT

**ORDER**

Petitioner is hereby informed of his opportunity to reply within thirty (30) days to Respondent's arguments in his Response (DE #9) that the petition should be dismissed because it is untimely under 28 U.S.C. § 2244(d)(1). Petitioner may also reply to Respondent's argument that Petitioner's failure to first present his attack on his guilty plea in a properly filed post-conviction petition constitutes an adequate and independent state ground to bar federal habeas review, absent a showing of cause and prejudice or a fundamental miscarriage of justice.

The Clerk is directed to serve a copy of the Response (DE #9) and this Order on Petitioner by regular mail.

SO ORDERED this 4<sup>th</sup> day of June, 2010.



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UNITED STATES MAGISTRATE JUDGE