

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

FRANK R. GARNER

PETITIONER

v.

NO. 5:10CV00173 SWW/HDY

RAY HOBBS, Interim Director of the
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner Frank R. Garner ("Garner") commenced this proceeding by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. 2254. In the petition, he advanced the following claim: "[Petitioner's] right to [a] direct appeal was violated by [the] Arkansas Supreme Court's denial of [a] belated appeal caused by ineffective assistance of counsel." See Document 1 at 5. Respondent Ray Hobbs ("Hobbs") has now filed a response to the petition. In the response, he maintained that Garner's petition should be dismissed because it is "time barred, [or] in the alternative, his claim either fails to form a basis for federal habeas relief or is procedurally defaulted." See Document 7 at 4. Before giving serious consideration to Hobbs' assertions, the Court invites Garner to file a reply in which he addresses the aforementioned assertions. Garner is given up to, and including, August 6, 2010, to file a reply.

IT IS SO ORDERED this 7 day of July, 2010.



UNITED STATES MAGISTRATE JUDGE