

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,

Petitioner,

v.

CASE NO. 05-3330-SAC

RAY ROBERTS, et al.,

Respondents.

O R D E R

This matter is before the court on a petition for habeas corpus filed pursuant to 28 U.S.C. 2254. Petitioner is serving a term of 30 years to life following his 1993 conviction of aggravated kidnaping and robbery in the District Court of Wyandotte County, Kansas.

Petitioner cites "parole justice" as the sole ground for relief, and he states:

I sent the Montgomery County Alabama authorities evidence of my innocence-which they issued a order for my release and I'm being over-detention-which the Wyandotte County Judge Philip Sieve hasn't issued a order for my release. Which the Montgomery County authorities exud [sic] that I should have been released when my name was placed on the automated justice information-system. See, attached Questions 20-28 which the Wyandotte County authorities haven't issued a order for my release. I request a order for my release from incarceration. (Doc. 1, p. 6.)

This is a successive action for habeas corpus relief.

Petitioner has filed at least twelve actions in this court seeking similar relief. As this court has explained in earlier orders, before a successive action may proceed in the district court, a petitioner must obtain prior authorization from the appropriate federal court of appeals. 28 U.S.C. 2244(b)(3)(A).

In October 2004, the United States Court of Appeals for the Tenth Circuit entered an order that directed the petitioner to submit \$250.00 to the clerk of the court and stated that he would not be permitted to pursue further challenges to the Kansas convictions at issue in this matter until he submitted the payment.¹

It does not appear that petitioner complied with that order. Accordingly, the court grants petitioner ten days to show cause why this action should not be dismissed for the reasons set forth.

IT IS THEREFORE ORDERED the petitioner is granted ten (10) days to show cause why this matter should not be dismissed based upon the order entered in the United States Court of Appeals for the Tenth Circuit barring petitioner from pursuing relief from his Kansas convictions until he submits the \$250.00 payment. The failure to file a timely response may result in the dismissal of this matter without prior notice to the petitioner.

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A copy of that order, entered in Case No. 04-3386 (Dist. Ct. 04-3244) is attached.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

DATED: This 3rd day of August, 2005, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge