

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW R. THOMAS,

Petitioner,

v.

CASE NO. 22-3150-SAC

CHANDLER CHEEKS,

Respondent.

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner's motion for continuance. (Doc. 7.) For the reasons stated below, the motion will be denied as moot.

Petitioner, an inmate serving a Kansas state-court sentence at Lansing Correctional Facility (LCF) in Lansing, Kansas, proceeds pro se. He filed this matter as a pro se petition for federal habeas relief pursuant to 28 U.S.C. § 2254. (Doc. 1.) After conducting the required initial review of the petition, the Court issued a Memorandum and Order on July 26, 2022, advising Petitioner that the relief he seeks in this matter appears to be more appropriately sought under 28 U.S.C. § 2241. (Doc. 6.) Thus, the Court directed the clerk to send Petitioner the form required to file a petition for habeas corpus relief under § 2241 and ordered Petitioner to either submit an amended petition on that form or file a written response to the Memorandum and Order advising the Court that he wishes to proceed under § 2254. *Id.* The Memorandum and Order set the deadline for Petitioner to file either his amended petition or written response as August 26, 2022. *Id.* A copy of the Memorandum

and Order was mailed to Petitioner.

Three days later, Petitioner filed the motion (Doc. 7) that is currently before the Court. Therein, he informs the Court that he is now represented by counsel, who is reviewing this matter, and that Petitioner wishes to proceed under § 2241. He appears to advise the Court that on July 26, 2022, he filed a § 2241 petition, but he also asks the Court to send him the form on which to file a § 2241 petition. Petitioner concludes by asking the Court to grant an additional 30 days to give him time to consult with counsel.

On August 1, 2022, a § 2241 petition was filed in this matter. (Doc. 8.) Thus, it appears that Petitioner no longer needs additional forms for this matter. Moreover, because Petitioner has now complied with the Memorandum and Order, the Court will deny the motion for continuance (Doc. 7) to do so as moot. The Court will conduct an initial review of the § 2241 petition and will issue further orders as necessary. The Court also advises Petitioner that if counsel will represent him in this matter, she must enter her appearance as required by Local Rule 5.1. See D. Kan. Rule 5.1.

IT IS THEREFORE ORDERED that the motion for continuance (Doc. 7) is **denied as moot**. The Court will conduct an initial review of the operative petition under § 2241 (Doc. 8) and issue further orders as necessary.

IT IS SO ORDERED.

DATED: This 2nd day of August, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge