

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE  
CIVIL ACTION NO. 3:09-CVP-066-H

GLEN BEARD

PETITIONER

v.

JOHN MOTLEY, WARDEN

RESPONDENT

**OPINION AND ORDER**

This matter is before the Court for preliminary review of Glen Beard's *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. *See* Rule 4, Rules Governing § 2254 Cases, 28 U.S.C.A. foll. § 2254; *Scott v. Collins*, 286 F.3d 923, 928-29, fn 5 (6<sup>th</sup> Cir. 2002).

Petitioner is serving a 150-year sentence of imprisonment for a conviction on a guilty plea to murder, two counts of first degree assault, attempted murder, and first degree burglary. The court entered the guilty plea and sentenced Petitioner on September 14, 1992. Petitioner did not appeal and readily acknowledges the soonest he sought any state review was on July 15, 2004, in a motion to vacate the judgment.



Petitioner has clearly filed this petition outside the one-year limitation period, 28 U.S.C. § 2244(d)(1). The question remains, however, whether Petitioner may avail himself of the doctrine of equitable tolling. *See Dunlap v. United States*, 250 F.3d 1001 (6<sup>th</sup> Cir. 2001); *see also Allen v. Yukins*, 366 F.3d 396 (6<sup>th</sup> Cir. 2004); *Jurado v. Burt*, 337 F.3d 638 (6<sup>th</sup> Cir. 2003). The Court will enter a show cause order requiring Petitioner to address these issues in a written response. The Court being sufficiently advised,

**IT IS HEREBY ORDERED** that no later than **30 days** from the entry of this Order, Petitioner must **SHOW CAUSE** why the Court should not dismiss *sua sponte* this petition as

time-barred, pursuant to 28 U.S.C. § 2244(d). Failure to show cause, in itself, within the time allowed may result in DISMISSAL of this petition.

**IT IS FURTHER ORDERED** that the motion for hearing is **DENIED**. (Dkt 4)

Dated: July 28, 2009

  
  
**John G. Heyburn II, Judge**  
**United States District Court**

cc: Petitioner, *pro se*  
Respondent  
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