

.UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

LAWRENCE NUNLEY,)	
)	
Petitioner,)	
)	
v.)	No. 2:19-cv-00012-JRS-DLP
)	
RICHARD BROWN Warden, Wabash Valley)	
Corr. Fac.,)	
)	
Respondent.)	

Order to Show Cause – State Conviction

Lawrence Nunley’s petition for a writ of habeas corpus challenges his conviction and sentence in Indiana state court case number 31D01-0805-FA-000389.

The petitioner’s motion to proceed *in forma pauperis*, dkt. [3], is **denied as presented**. He shall **have until February 14, 2019**, in which to renew his motion to proceed *in forma pauperis* by attaching a copy of the transactions associated with his institution trust account for the 6-month period preceding the filing of this action on January 8, 2019.

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, respondent is **ORDERED to enter an appearance by January 24, 2019**. Rule 5(b) provides that respondent’s answer “must address the allegations in the petition. In addition, it must state whether any claim in the petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.” Rule 5(b). This action will proceed along one of the two following tracks:

- **Track 1:** If respondent argues that **all** claims in the petition are subject to one of the procedural bars for dismissal outlined in Rule 5(b), respondent is **ORDERED**

to file a motion to dismiss based on a complete procedural bar by February 25, 2019. Petitioner shall have **21 days to respond.** Respondent will then have **7 days after the docketing of the response in which to reply.**

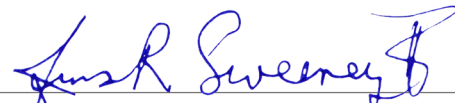
If the motion to dismiss is denied, respondent shall have **21 days** from the date the motion is denied to brief the merits, and petitioner shall have **28 days** to reply.

- **Track 2:** If Track 1 does not apply, respondent is **ORDERED to answer the petition by March 18, 2019.** This is respondent's only opportunity to address the allegations in the petition. Petitioner shall have **28 days** to reply to the return to the order to show cause.

Other than the two briefing tracks set forth above, no further briefing will be permitted absent Order of the Court. **The Court does not anticipate extending respondent's deadlines absent respondent specifically setting forth extraordinary circumstances.**

IT IS SO ORDERED.

Date: 1/14/2019



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Lawrence Nunley
#198710
Wabash Valley Correctional Facility
Electronic Service Participant – Court Only

Electronic Service to:
Indiana Attorney General