

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

ABDULLAH ALKHALIDI,)	
)	
Petitioner,)	
)	
vs.)	Case No. 2:13-cv-00433-JMS-WGH
)	
MARK LEVENHAGEN,)	
)	
Respondent.)	

Order to Show Cause

As of May 5, 2014, the respondent has failed to file a return to the order to show cause. The deadline (following three enlargements of time) was April 25, 2014. Under these circumstances the Seventh Circuit has held that it is appropriate for the district court to censure the staff of the Indiana Attorney General or to refuse to consider the tardy return. *See U. S. ex rel. Mattox v. Scott*, 507 F.2d 919, 924 (7th Cir. 1974); *see also Lemons v. O'Sullivan*, 54 F.3d 357, 364-65 (7th Cir. 1995) (default judgment is disfavored in habeas corpus cases). Accordingly, counsel for respondent shall have **through May 28, 2014**, in which to **show cause** why the Court should not address the merits of the petition *sua sponte* and/or impose sanctions on respondent's counsel. *See Warner v. Parke*, 1996 WL 495040, *2 (7th Cir. 1996).

In addition, the Clerk is directed to email a copy of this Entry to David Steiner and Stephen Creason who appear from the Attorney General's website to have supervisory responsibility for habeas corpus actions. These individuals are invited to answer this order to show cause and to audit the habeas caseload.¹

¹ The Court notes that this is not the first time that a return has been filed after the deadline. *See Forrest v. Superintendent*, 2:13-cv-00142-JMS-WGH (four motions for time granted, return filed after deadline).

IT IS SO ORDERED.

Date: 05/05/2014



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

ABDULLAH ALKHALIDI
104113
WESTVILLE - CF
WESTVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
5501 South 1100 West
WESTVILLE, IN 46391

Stephanie Lynn Rothenberg
OFFICE OF THE ATTORNEY GENERAL
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
(317) 232-3008
Fax: (317) 232-7979
Email: Stephanie.Rothenberg@atg.in.gov

David Steiner
David.steiner@atg.in.gov

Stephen R. Creason
Stephen.creason@atg.in.gov