

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELVIN T. LYTE,

Petitioner,

ORDER

v.

06-C-542-S

THE UNITED STATES OF AMERICA,
ERIC A. RUNAAS and the
FEDERAL BUREAU OF PRISONS,

Respondent.

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He requests leave to proceed in forma pauperis.

From an examination of the affidavit of indigency that petitioner has submitted the Court finds that he is unable to prepay the costs and fees of commencing this action. Accordingly, his request to proceed in forma pauperis is GRANTED.

Petitioner claims that he was denied his due process rights in his disciplinary proceedings by the federal Bureau of Prisons.

Accordingly,

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that the respondent shall file and serve upon petitioner a response to the petition any supporting brief not

later than 20 days from the date of service this petition, showing cause, if any, why this writ should not issue. Affidavits may accompany the response. Petitioner may have 20 days from the service of the response to file and serve upon counsel for respondent a traverse to the allegations of the response submitted by the respondent and any supporting brief. Affidavits may accompany the traverse. Such affidavits shall raise no issues which have not already been raised in the petition and response. Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served and filed therewith.

The petition is being delivered to the United States Marshal for service upon respondent Eric Runaas, the petitioner's custodian.

Entered this 3rd day of October, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge