

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Richard Chantez Butler v. Gloria Geither

Butler v. Geither · No. 25-3280-JWL · Decided May 21, 2026

SUMMARY

The United States District Court for the District of Kansas grants in part and denies in part Petitioner Richard Chantez Butler’s motion concerning an amended memorandum of law in his 28 U.S.C. § 2254 habeas proceeding. The court directs the Clerk to docket the motion as an amended memorandum of law, denies without prejudice the request for an evidentiary hearing, and orders Butler to respond to the memorandum and order to show cause by June 18, 2026.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 21, 2026
DOCKET	25-3280-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding pro se, filed a motion after the court ordered him to show cause why one habeas ground should not be dismissed as barred by anticipatory procedural default. The court construed the motion as requesting leave to file an amended memorandum of law and also seeking an evidentiary hearing.
STANDARD OF REVIEW	Pro se filings are liberally construed. The court applied the preliminary review framework under Rule 4 of the Rules Governing Section 2254 Cases and deferred consideration of the need for an evidentiary hearing until after the answer, state-court records, and traverse are filed.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; generally nonprecedential.
PARTIES	Richard Chantez Butler v. Gloria Geither

TOPICS

federal habeas corpus

post-conviction relief

motion to amend

pleadings

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the pro se motion should be liberally construed as a request to file an amended memorandum of law in support of the amended habeas petition.
2. Whether the court should hold an evidentiary hearing before completion of initial review, the respondent's answer, production of state-court records, and the traverse.
3. Whether the motion constituted petitioner's response to the memorandum and order to show cause.

HOLDINGS

1. When liberally construed in light of the court's prior order, the pro se motion constituted a request to file an amended memorandum of law in support of the amended petition, and that request was granted.
2. The request for an evidentiary hearing was premature and was denied without prejudice because initial Rule 4 review was incomplete; the court would consider the issue after the answer, relevant state-court records, and traverse were filed.
3. The motion was not treated as petitioner's response to the memorandum and order to show cause; petitioner was given until June 18, 2026, to file a single written response.

KEY QUOTATIONS

"If the petition is not dismissed, the judge must review the answer, any transcripts and records of state-court proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted."

"IT IS THEREFORE ORDERED that the motion (Doc. 27) is granted in part and denied in part."

FACTUAL BACKGROUND

Richard Chantez Butler, a state prisoner incarcerated at Lansing Correctional Facility, filed a 28 U.S.C. § 2254 habeas petition and amended petition. After the court ordered him to show cause regarding potential anticipatory procedural default of Ground Seven, Butler filed a document titled "Motion to File Amended Memorandum of Law in Support of Law." The document set out § 2254 language, argued that the amended-petition grounds warranted relief, and requested an evidentiary hearing, but did not expressly ask to file an amended memorandum.

PROCEDURAL HISTORY

The court previously issued a memorandum and order to show cause and denied an earlier motion to amend case law. Petitioner then filed the present motion, which the court construed in part as an amended memorandum of law. The court granted that request, denied the request for an evidentiary hearing without prejudice because

initial Rule 4 review was incomplete, and directed petitioner to file a separate response to the order to show cause by June 18, 2026.

DISPOSITION

other

CASES CITED

- Schiro v. Landrigan, 550 U.S. 465, 474 (2007)
- Anderson v. Att’y Gen. of Kansas, 425 F.3d 853, 859 (10th Cir. 2005)

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