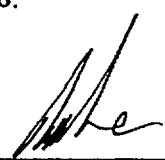


petitioner may wish to offer evidence to establish cause and prejudice excusing procedural default, successiveness, or an abuse of the writ, or otherwise make a colorable showing of factual innocence in order to establish a fundamental miscarriage of justice exception to these procedural rules. The court will review and consider the state court record supplied by the respondents and any additional evidentiary material offered by the petitioner in making a determination whether the petition should be summarily disposed of under Rule 8(a) of the *Rules Governing Section 2254 Cases*.

Petitioner shall have twenty (20) days from the date of this Order to supply any additional evidentiary materials or legal arguments he may wish to offer with regard to whether the petition is subject to summary disposition. Thereafter, the Court will take the petition under advisement for consideration in light of the respondents' answer and state court record and any additional materials supplied by the petitioner.

The Clerk is DIRECTED to serve a copy of this Order upon petitioner and counsel for respondents.

DONE this the 29th day of March, 1998.



PAUL W. GREENE
UNITED STATES MAGISTRATE JUDGE

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