

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

SHERMAN GIBSON,)	
)	
Petitioner,)	
)	
v.)	No. 08-3152
)	
ROGER E. WALKER, JR.,)	
)	
Respondent.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This cause is before the Court on Petitioner Sherman Gibson’s Petition for Writ of Habeas Corpus (d/e 1) (Petition) and Amended Motion for Court to Grant Petitioner’s Habeas Corpus Relief Due to the Prosecution’s Inordinate Delay and State Court’s Failure to Give Petitioner a Full and Fair Due Process Hearing (d/e 6) (Amended Petition). The Court now makes the initial consideration of Petitioner's Motion under Rule 4 of the Rules Governing § 2254 Cases.

After a review of the Motion, this Court finds that a summary dismissal is not warranted. Therefore, pursuant to Rule 4, the Court directs the Attorney General for the State of Illinois to respond to Petitioner's

Motion. The response shall discuss the merits and the procedural posture of the Motion. See Rule 5 of the Rules Governing § 2254 Cases.

THEREFORE, the Attorney General for the State of Illinois is ordered to file an Answer to Gibson's Petition and Amended Petition pursuant to Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases on or before May 1, 2009. Petitioner is granted 21 days from the time the Answer is filed to file a Reply.

Additionally, Gibson has filed a Motion Request for Ruling (d/e 11), in which he asks the Court to rule on his Petition. This Motion is ALLOWED in part and DENIED in part. The Motion is allowed to the extent that the Court orders the Attorney General for the State of Illinois to respond to Gibson's Petition and Amended Petition. It is denied to the extent that Gibson asks the Court to set him free immediately. The Court will rule on the merits of Gibson's request for habeas corpus relief after the Attorney General for the State of Illinois has filed an Answer and Gibson has filed a Reply.

IT IS THEREFORE SO ORDERED.

ENTER: February 6, 2009

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT

UNITED STATES DISTRICT JUDGE