

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

KRISTOPHER P. KRAS,)	
)	
Petitioner,)	
)	
v.)	No. 09-3089
)	
LARRY PHILLIPS, Facility Director)	
Department of Human Services)	
Treatment and Detention Facility,)	
and LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Respondents.)	

OPINION

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

This cause is before the Court on Petitioner's Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (d/e 1) (Petition). Petitioner paid the requisite filing fee on May 7, 2009; thus, this Court undertakes the initial consideration of the Petition under Rule 4 of the Rules Governing § 2254 Cases.

After a review of the Petition, 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 the Petition.

The response shall discuss the merits and the procedural posture of the Petition, i.e. whether Petitioner has exhausted his state remedies and/or procedurally defaulted any of his claims. See Rule 5 of the Rules Governing § 2254 Cases.

THEREFORE, the Attorney General for the State of Illinois is ordered to file on or before June 30, 2009, an answer pursuant to Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases to Petitioner's Petition for a Writ of Habeas Corpus. Petitioner is granted 21 days from the time the answer is filed to file a reply.

IT IS THEREFORE SO ORDERED.

ENTER: May 19, 2009

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE