

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

ROY J. CLARK,)	
)	
Petitioner,)	
)	
v.)	No. 10-3185
)	
DONALD GAETZ, Warden,)	
)	
Respondent.)	

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) (§ 2254 Petition). Petitioner incorporated within the Petition a request to proceed in forma pauperis. Upon review of the request, the Court determines that the Petitioner may proceed in forma pauperis. Hence, the Court will consider the § 2254 Petition under Rule 4 of the Rules Governing § 2254 Cases.

After a review of the § 2254 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 § 2254 Petition. The response shall discuss the merits and the procedural posture

of the § 2254 Petition, i.e. whether Petitioner has exhausted his state remedies and/or procedurally defaulted any claims. See Rule 5 of the Rules Governing § 2254 cases.

THEREFORE, the Petitioner's request to proceed in forma pauperis is allowed. The Attorney General for the State of Illinois is ordered to file on or before October 1, 2010, an answer, pursuant to Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases, to Petitioner's § 2254 Petition. Petitioner is given until November 15, 2010, to file any reply.

IT IS THEREFORE SO ORDERED.

ENTER: July 27, 2010

FOR THE COURT:

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