

January 31, 2011 Order Form (01/2005)

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	Virginia M. Kendall	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	07 C 4635	<b>DATE</b>	January 31, 2011
<b>CASE TITLE</b>	Eric Vann (K77736) v. Warden Keith Anglin		

**DOCKET ENTRY TEXT:**

The Court has reviewed respondent's 1/25/11 status report. [18] Respondent's argument that the habeas corpus petition is untimely pursuant to 28 U.S.C. § 2244(d) is properly raised in accordance with the instructions in the Court's 12/23/10 order. [18] The Court construes respondent's 1/25/11 status report as a motion to dismiss. Respondent's counsel is given leave to file the mail logs from the Illinois Department of Corrections [18 at p.13] in the record if she is able to obtain the documents from the IDOC. The parties' cross-responses to the opposing parties' status reports remain due 2/15/10. Petitioner is advised to respond to all of respondent's arguments in his 1/25/11 status report including respondent's statute of limitations argument. *See* 28 U.S.C. § 2244(d), *Holland v. Florida*, 130 S. Ct. 2549 (2010); *Jimenez v. Quarterman*, 555 U.S. 113 (2009); *Moore v. Battaglia*, 476 F.3d 504 (7th Cir. 2007); *Escamilla v. Jungwirth*, 426 F.3d 868 (7th Cir. 2005). The Court will rule by mail and set any additional dates if necessary.

Docketing to mail notices.