

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
ex. rel. GILBERTO GONZALEZ,)	
)	
Petitioner,)	
)	
v.)	No. 13 C 314
)	
MICHAEL ATCHISON, Warden,)	
)	
Respondent.)	

MEMORANDUM ORDER

Immediately after receiving the Petition for Writ of Habeas Corpus ("Petition") filed by Gilberto Gonzalez ("Gonzalez"), this Court followed its invariable practice of screening the Petition and, as a result, it issued a January 17, 2013 memorandum opinion and order ("Opinion") that posed a threshold question that needed to be addressed by Gonzalez before any consideration of the merits of the Petition would be undertaken. Although the Opinion thus ordered Gonzalez to file supplemental information that is essential for a determination as to the Petition's timeliness, Gonzalez paid no heed to that directive. Instead he has filed (on the designated February 4 date) a handwritten motion to stay the Petition because he says he has discovered additional grounds to support a successive post-conviction proceeding in the Illinois state court system.

This Court has in the past entered such stay-and-abey orders in habeas cases where that procedure is appropriate. In this instance, though, Gonzalez' motion for such an order cannot

fairly be entertained until he has fleshed out the Petition's timeliness by complying with the directive set out in the Opinion.

Accordingly Gonzalez' most recent motion is simply entered and continued, and he is granted additional time to respond to the directive in the Opinion. But if the required information is not supplied on or before February 26, 2013, this Court will be forced to conclude that Gonzalez cannot establish timeliness, in which event the limitations provisions of 28 U.S.C. §2244(d)(1) will be held to have barred the filing of the Petition.



Milton I. Shadur
United States District Judge

Date: February 6, 2013