

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

<b>UNITED STATES OF AMERICA</b> ex rel.	)	
<b>ANTHONY DINGUS</b> (#R-44941),	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 16 C 1875
	)	
<b>KIMBERLY BUTLER</b> , Warden, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

Despite the passage of almost a full decade since the conviction of Anthony Dingus ("Dingus") on two counts of first degree murder, on which he is serving a custodial sentence of 50 years,<sup>1</sup> the threshold review of Dingus' litigation history by this Court's law clerk has disclosed the apparent likelihood that the tolling provision of 28 U.S.C. § 2244(d)(2)<sup>2</sup> has operated to bring Dingus' just-filed Petition within the one-year limitation period established by Section 2244(d)(1). Accordingly this Court complies with Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts by ordering respondent Warden Kimberly Butler to file an answer or motion directed to the Petition on or before April 8, 2016, with paper copies of that responsive pleading (1) to be served upon Dingus and (2) (pursuant to

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<sup>1</sup> Dingus' currently filed Petition For Writ of Habeas Corpus ("Petition") begins by identifying May 20, 2005 as the date of his judgment of conviction.

<sup>2</sup> All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."

LR 5.2(f) to be delivered to this Court's chambers. This Court will then determine the next appropriate steps to be taken in this litigation.<sup>3</sup>



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Milton I. Shadur  
Senior United States District Judge

Date: February 8, 2016

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<sup>3</sup> One other threshold matter should be mentioned. Dingus has accompanied his Section 2254 filing with a motion to defer his payment of the \$5 filing fee briefly because Menard Correctional Center, where he is in custody, is on what he describes as a "level one lockdown." That motion is granted.