

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CHRISTOPHER J. HOWARD, #B- )  
86767 )**

**Petitioner, )**

**vs. )**

**DONALD A. HULICK, )**

**Respondent. )**

**CIVIL NO. 11-cv-244-DRH**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

Petitioner, currently incarcerated in the Menard Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the constitutionality of his confinement. In this action, Petitioner challenges his October 2008 conviction for first degree murder for which he is serving a 41 year sentence. Petitioner claims that his right to due process was violated when he was not given notice, and thus was not present in court for a September 8, 2008 motion hearing. Because he was not present at the hearing, his October 6, 2008 trial date was cancelled. Petitioner was then convicted at a later date of October 30, 2008.

**IT IS HEREBY ORDERED** that Respondent shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West

Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

**IT IS FURTHER ORDERED** that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

**IT IS FURTHER ORDERED** that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk and each opposing party informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. See FED.R.CIV.P. 41(b).

**IT IS SO ORDERED.**

**DATED:** April 12, 2011

Digitally signed by  
David R. Herndon  
Date: 2011.04.12  
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**Chief Judge  
United States District Court**