

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

EDDIE JASON MILLER, K-68074,

Petitioner,

v.

**MICHAEL P. ATCHISON, Warden,
Menard Correctional Center,¹**

Respondent.

Case No. 11-cv-940-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Before the Court is petitioner Eddie Jason Miller's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). Petitioner, a state prisoner, challenges his 2003, Champaign County, Illinois conviction for heinous battery. Petitioner alleges various claims of ineffective assistance of counsel.

IT IS HEREBY ORDERED that respondent shall answer and **address solely the issue of the timeliness of the instant petition** within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion, or timeliness arguments it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

¹ As the current Warden of Menard Correctional Center, Michael P. Atchison is substituted as the respondent. See FED. R. CIV. P. 25(D).

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 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.

Signed this 9th day of August, 2012.


David R. Herndon
2012.08.09
05:28:57 -05'00'

**Chief Judge
United States District Court**