

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

**LAWRENCE SMEDLEY, 07953-033,**

**Petitioner,**

**v.**

**WENDY J. ROAL, Warden,  
USP Marion,**

**Respondent.**

**Case No. 12-cv-3-DRH**

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

Before the Court is petitioner Lawrence Smedley's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). Petitioner, currently incarcerated at USP Marion, challenges the execution of his sentence. Without commenting on the merits of petitioner's claims, the Court concludes that the petition survives preliminary review under Rule 4 and Rule 1(b) of the Rules Governing Section 2254 Cases in United States District Courts.<sup>1</sup>

**IT IS HEREBY ORDERED** that respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the government from making whatever waiver, exhaustion, or timeliness arguments it may wish to

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<sup>1</sup> Rule 1(b) of those Rules gives this Court the authority to apply the rules to other habeas corpus cases.

present. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, 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.*

**IT IS FURTHER ORDERED** that petitioner shall either pay the full filing fee of \$5.00 for this action or file a motion to proceed *in forma pauperis* by **September 10, 2012**. Payment of the \$5.00 filing fee shall be sent to: United States District Court, Clerk's Office, 750 Missouri Avenue, P.O. Box 249, East St. Louis, Illinois, 62201. At the time payment is made, petitioner's name and the case number assigned to this action shall be clearly identified. Should petitioner fail to comply with this Order, this case may be dismissed. *See Fed. R. Civ. P. 41(b); Ladien v. Astrachan*, 128 F.3d 1051, 1056-57 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466, 468 (7th Cir. 1994).

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*  
Digitally signed by  
David R. Herndon  
Date: 2012.08.09  
10:06:44 -05'00'

**Chief Judge  
United States District Court**