

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

JAMES EDWARD CONNELLY,

Plaintiff,

v.

WARDEN CROSS,

Defendant.

No. 12-097-DRH

ORDER

HERNDON, Chief Judge:

James Edward Connelly, who may currently be incarcerated in FCI Terre Haute, brings this habeas corpus action pursuant to 28 U.S.C. § 2241 to challenge the constitutionality of his confinement.¹ He challenges his 1992 conviction based on a Sixth Circuit case which he claims is intervening change of law, *Hampton v. United States*, 191 F.3d 695 (6th Cir. 1999). At the time of the filing of his complaint, Connelly was incarcerated in FCI Greenville. 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.²

IT IS HEREBY ORDERED that respondent shall answer or otherwise plead

¹The Court checked the inmate locator on the BOP website and it suggests that Connelly is confined at FCI Terre Haute.

² Rule 1(b) of those Rules gives this Court the authority to apply the rules to other habeas corpus cases.

within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the Government from raising any objection or defense it may wish to present. Respondent should address the venue issue. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

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). The Court notes that petitioner apparently did not follow this rule as the BOP website indicates that he has been transferred to Terre Haute FCI. Petitioner did not inform the Court that he is no longer housed within this judicial district. Petitioner is advised to report his current location to this Court's clerk so that a decision can be made regarding venue.

IT IS SO ORDERED.

Signed this 9th day of August, 2012.


Digitally signed by
David R. Herndon
Date: 2012.08.09
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**Chief Judge
United States District Court**