

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

DAVID ALLEN AMOS, 31876-044,

Petitioner,

v.

**WENDY ROAL, Warden,
USP MARION,**

Respondent.

Case No. 12-cv-00141-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Before the Court is petitioner David Allen Amos' petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). The petitioner, currently incarcerated at the United States Penitentiary in Marion, Illinois ("USP Marion"), is serving a sentence of 140 months imprisonment following his conviction in the Eastern District of Missouri. The petitioner contends that the Bureau of Prisons' ("BOP") has improperly denied him credit for his pre-sentence custody. Specifically, the petitioner contends that the start date of his federal sentence should be June 24, 2005 (the date the petitioner was allegedly taken into federal custody) and not March 31, 2006 (the date the petitioner's federal sentence was imposed).

Without commenting on the merits of the 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.¹

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 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 SO ORDERED.

Signed this 4th day of September, 2012.


Digitally signed by
David R. Herndon
Date: 2012.09.04
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**Chief Judge
United States District Court**

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