

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

KAREN S. DARNELL, No. 09632-033

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 13-cv-00008-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

The petitioner, Karen S. Darnell, is an inmate currently incarcerated at the Federal Correctional Institution in Greenville, Illinois with a projected release date of August 8, 2013. Petitioner is seeking a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. 1). Petitioner claims the Bureau of Prisons (“BOP”) failed to properly evaluate her request for transfer to a Residential Re-entry Center (“RRC”) in violation of 18 U.S.C. § 3621(b). Petitioner specifically claims she was given an inadequate time of only five months in an RRC rather than a higher amount up to the maximum of twelve months after BOP failed to consider her request under the proper five factor analysis mandated by 18 U.S.C. § 3621(b). 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 the 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 24th day of January 2013.


Digitally signed by
David R. Herndon
Date: 2013.01.24
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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.