

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

CHRISTOPHER L. BROCKENBROUGH, #344604

Petitioner,

v.

2:07CV423

GENE M. JOHNSON, Director of the  
Virginia Department of Corrections,

Respondent.

O R D E R

The Court has received and filed a petition for writ of habeas corpus submitted pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on February 8, 2005, in the Circuit Court for the City of Richmond, Virginia, for first degree murder and use of a firearm, as a result of which he was sentenced to serve thirty-four years in the Virginia penal system.

It appearing that the petition designates an incorrect party respondent, it is ORDERED that the petition shall be deemed amended to substitute as the sole respondent in this proceeding Gene M. Johnson, Director of the Virginia Department of Corrections. See Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts (foll. 28 U.S.C. § 2254).

It is further ORDERED that respondent file within thirty days from the date of this Order any motions which may be deemed appropriate and an answer to the petition conforming to the requirements of Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, together with the attachments specified in Rule 5. Without limiting said answer, respondent shall advise whether petitioner has exhausted his state court remedies with respect to the issues raised in the federal petition.

Petitioner may, if he desires, file a response to respondent's answer to the petition within twenty-one days after receipt of said answer.

If petitioner has exhausted his state court remedies pertaining to his allegations by direct appeal or by a state habeas corpus proceeding, respondent is requested to cause the state court records and transcripts of petitioner's original trial and related proceedings and the state court's habeas corpus transcripts and records, if any, applicable to the grounds alleged in the petition, to be forwarded to this Court **WITHIN THIRTY DAYS FROM THE DATE OF THIS ORDER**. The state court records and transcripts will be carefully maintained and will be returned to the clerk of the proper court upon termination of this proceeding. Upon the filing of respondent's answer, any response by petitioner, and the receipt of the state court records and transcripts, this Court will enter such further order as may be appropriate.

PETITIONER IS HEREBY **ORDERED** TO SEND A COPY OF ALL FUTURE CORRESPONDENCE AND PLEADINGS SENT TO THIS COURT TO COUNSEL OF RECORD FOR RESPONDENT (ATTORNEY GENERAL OF VIRGINIA, 900 E. MAIN STREET, RICHMOND, VIRGINIA 23219) AND TO CERTIFY TO THE COURT THAT THE COPIES HAVE BEEN SENT. SEE FED.R.CIV.P. 5(A).

The Clerk shall mail a copy of this Order to petitioner, to respondent, and to the Attorney General of Virginia.

Norfolk, Virginia

September 19, 2007

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/s/  
James E. Bradberry  
United States Magistrate Judge