

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

**MANUAL HERNANDEZ-AYALA, Inmate)
#90729-000,)**

Petitioner,)

vs.)

KEVIN POTTER,)

Respondent.)

CIVIL NO. 04-902-WDS

MEMORANDUM AND ORDER

STIEHL, District Judge:

Petitioner, an Immigration and Customs Enforcement detainee in the Federal Correctional Institution in Greenville, Illinois, brings this habeas corpus action pursuant to 28 U.S.C. § 2241. He also seeks leave to proceed *in forma pauperis* (Doc. 2).

IT IS HEREBY ORDERED that the motion for leave to proceed *in forma pauperis* is **GRANTED**.

IT IS FURTHER ORDERED that Respondent shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue. 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.

DATED: May 6, 2005

s/ WILLIAM D. STIEHL
DISTRICT JUDGE