

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

DeANGELO LEE,

Petitioner,

vs.

ILLINOIS DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. 3:12-cv-1076-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner, currently incarcerated in the Robinson Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the constitutionality of his confinement. In this action, petitioner challenges the revocation of his parole following a 2010 Winnebago County, Illinois conviction for aggravated battery and other related offenses. Petitioner seeks review on three grounds: 1) violation of the Double Jeopardy Clause, 2) violation of the Due Process Clause for unlawful issuance of a parole violation warrant, and 3) violation of the Due Process Clause for stopping his term of parole before the issuance of a warrant.

IT IS HEREBY ORDERED that respondent shall, within thirty (30) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue. This preliminary Order directing a response does not preclude the State from making whatever waiver, exhaustion, or timeliness

argument it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 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.*

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)

IT IS SO ORDERED.

Signed this 7th day of January, 2013.

Digitally signed by
David R. Herndon
Date: 2013.01.07
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**Chief Judge
United States District Judge**