

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

DeANGELO LEE,

Petitioner,

vs.

RANDY GROUNDS,¹

Respondent.

Case No. 12-cv-1076-DRH-DGW

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Before the Court is respondent's motion to dismiss petitioner's 28 U.S.C. § 2254 petition for failure to exhaust state court remedies (Doc. 15). As respondent filed his motion in March, the time allotted for petitioner to respond has long since passed. Accordingly, pursuant to LOCAL RULE 7.1(c), the Court deems petitioner's failure to respond as an admission of the merits of respondent's motion. See SDIL-LR 7.1(c). Thus, respondent's motion is **GRANTED** (Doc. 15). Petitioner's claims are **dismissed without prejudice**.

IT IS SO ORDERED.

Signed this 27th day of June, 2013.


 David R. Herndon
2013.06.27 16:47:48 -05'00'

**Chief Judge
United States District Judge**

¹ Randy Grounds is the warden of Robinson Correctional Center, where petitioner is in custody. As petitioner's physical custodian, Warden Grounds is the only proper respondent in this action. See Habeas Corpus Rule 2(a); Fed. R. Civ. P. 25(d); *Bridges v. Chambers*, 425 F.3d 1048, 1049-50 (7th Cir. 2005). Accordingly, **the Clerk is directed to substitute Grounds for Illinois Department of Corrections as respondent in this action.**