

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

IAN H. WEST,

Petitioner,

vs.

ROBERT HIBPSHMAN,
SUPERINTENDENT, WILDWOOD
CORRECTIONAL COMPLEX.

Respondent.

3:12-cv-161-RRB-JDR

ORDER
SETTING HEARING

(Docket No. 1, 4)

An Amended Petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241/2254(b) has been filed by the above-named petitioner alleging that he is unlawfully incarcerated pursuant to an arrest on a military warrant on August 1, 2012 by the Kenai Police Department. A (Marine Corp) “desertion”

detainer was issued July 3, 2012. The petitioner alleges that he is being held unlawfully at the Wildwood Correctional complex, Kenai, Alaska. The petitioner contends that he has exhausted his available State court remedies and satisfied the exhaustion requirement in 28 U.S.C. Section 2254(b). Wherefore pursuant to Rules 4, 5 and 8(b) of the Rules Governing Section 2254 Proceedings in the United States District Court it is hereby ORDERED:

1. The U.S. Marshal in requested to serve a copy of this Order on the Attorney General for the State of Alaska forthwith.

2. Pursuant to Rule 4 of the rules governing Section 2254 proceedings, the clerk of court is requested to serve a copy of the petition and this order by certified mail on the Attorney General for the State of Alaska, or his designee. See 28 U.S.C. Section 2252.

3. Respondent shall appear before this court on ***Wednesday, August 15, 2012 at 1:30 P.M. in Courtroom 6, located in the U.S. Courthouse, Anchorage, Alaska, before Judge Scott Oravec***, to answer whether the respondent has formally advised the military authorities that the petitioner has been released from State custody so that the military detainer can be activated or otherwise show cause why petitioner should not be released from custody.

4. Petitioner shall participate telephonically by calling five (5) minutes before the scheduled hearing **(907)677-6231**.

It is further ORDERED that a copy of all subsequent pleadings or documents submitted by the petitioner to this court for consideration of this cause be served upon the respondent, or if an appearance has been entered by counsel for respondent, upon respondent's attorneys. Petitioner shall include with any original paper(s) to be filed with the clerk of court a certificate stating that a true and correct copy of such document(s) was mailed to respondent or counsel. Any papers received by a U.S. District Judge or U.S. Magistrate Judge which have not been filed with the clerk of court or which fail to indicate a certificate of service shall be disregarded by the court. All parties shall refrain from communicating ex parte with a judge of this court concerning the merits of this action.

DATED this 10th day of August, 2012, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge