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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Joselito Balicudiong Asican,
Petitioner,
vs.
Katrina Kane,* District Director,
Respondent.

No. CV 09-0018-PHX-DGC (MHB)

ORDER

Petitioner Joselito Balicudiong Asican (A42-053-881), who is confined in the Eloy Detention Center in Eloy, Arizona, has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The filing fee has been paid. The Court will require Respondent to answer the Petition.

I. Petition

Petitioner alleges that on February 22, 2008, an Immigration Judge (IJ) entered an order for his removal from the United States. On May 16, 2008, the Board of Immigration (BIA) Appeals affirmed the IJ’s decision. Petitioner’s petition for review from the BIA’s decision is currently pending before the United States Court of Appeals for the Ninth Circuit.

* Petitioner has named “District Director Bureau of Immigration and Customs Enforcement” as the only Respondent. Because Katrina S. Kane is the Arizona Field Office Director of Immigration and Customs Enforcement, the Clerk of Court will be directed to list her as the Respondent in this action.

1 See Asican v. Mukasey, No. 08-72390 (9th Cir. pet. for review filed Jun. 5, 2008). On
2 October 1, 2008, the Ninth Circuit granted Petitioner’s motion to stay his removal. Id.
3 Petitioner argues that his continued detention while his appeal is pending is unconstitutional.
4 See Casas-Castrillon v. Dep’t of Homeland Sec., 535 F.3d 942, 944 (9th Cir. 2008)
5 (“prolonged detention must be accompanied by appropriate procedural safeguards, including
6 a hearing to establish whether releasing the alien would pose a danger to the community or
7 a flight risk”). An answer to the Petition will be required.

8 **II. Warnings**

9 **A. Address Changes**

10 Petitioner must file and serve a notice of a change of address in accordance with Rule
11 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
12 relief with a notice of change of address. Failure to comply may result in dismissal of this
13 action.

14 **B. Copies**

15 Petitioner must serve Respondent, or counsel if an appearance has been entered, a
16 copy of every document that he files. FED. R. CIV. P. 5(a). Each filing must include a
17 certificate stating that a copy of the filing was served. FED. R. CIV. P. 5(d). Petitioner also
18 must submit an additional copy of every filing for use by the Court. LRCiv 5.4. Failure to
19 comply may result in the filing being stricken without further notice to Petitioner.

20 **C. Possible dismissal**

21 If Petitioner fails to timely comply with every provision of this Order, including these
22 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,
23 963 F.2d 1258, 1260-61 (9th Cir. 1992) (district court may dismiss action for failure to
24 comply with any order of the Court).

25 **IT IS ORDERED:**

26 (1) The Clerk of Court must modify the docket to reflect that Katrina S. Kane,
27 District Director of Immigration and Customs Enforcement is the Respondent in this action.
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