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

Bao Vu,	)	No. CV 11-0031-PHX-GMS (MHB)
Petitioner,	)	<b>ORDER</b>
vs.	)	
Eric Holder, et al.,	)	
Respondents.	)	

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Petitioner Bao Vu (A045-850-621), who is represented by counsel, has filed an Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. The Court will require Respondents to answer the Petition.

Petitioner is a native and citizen of Vietnam who entered the United States as a lawful permanent resident on February 14, 1997. On February 16, 2010, following completion of his state sentence of imprisonment for attempted murder, Petitioner was taken into custody by Immigrations and Customs Enforcement (ICE). On March 17, 2010, an Immigration Judge issued an order for Petitioner’s removal from the United States. Petitioner did not appeal.

Petitioner alleges that despite his cooperation with ICE’s attempts to obtain travel documents, ICE has been unable to remove him to Vietnam. Petitioner argues that he is entitled to release from custody under an order of supervision because his detention with no prospect that his removal will be effected in the reasonably foreseeable future is not

1 authorized by law. See Zadvydas v. Davis, 533 U.S. 678 (2001) (when there is no reasonable  
2 likelihood that a foreign government will accept an alien's return in the reasonably  
3 foreseeable future, the INS may not detain the alien for more than the presumptively  
4 reasonable period of six months). The Court will require Respondents to answer the Petition

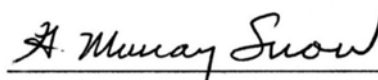
5 **IT IS ORDERED:**

6 (1) The Clerk of Court must serve a copy of the Summons, Petition, and this Order  
7 upon the United States Attorney for the District of Arizona by certified mail addressed to the  
8 civil process clerk at the office of the United States Attorney pursuant to Rule 4(i)(1)(A) of  
9 the Federal Rules of Civil Procedure. The Clerk of Court also must send by certified mail  
10 a copy of the Summons, Petition and this Order to the United States Attorney General  
11 pursuant to Rule 4(i)(1)(B) and to Respondents pursuant to Rule 4(i)(2).

12 (2) Respondents must answer the Petition within 20 days of the date of service.  
13 Respondents must not file a dispositive motion in place of an answer without first showing  
14 cause as to why an answer is inadequate. Petitioner may file a reply within 20 days from the  
15 date of service of the answer.

16 (3) This matter is referred to Magistrate Judge Michelle H. Burns pursuant to Rules  
17 72.1 and 72.2 of the Local Rules of Civil Procedure for further proceedings and a report and  
18 recommendation.

19 DATED this 3rd day of March, 2011.

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23 G. Murray Snow  
24 United States District Judge  
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