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

Sheikh Samiul Haque,	)	No. CV 11-1052-PHX-GMS (JRI)
Petitioner,	)	<b>ORDER</b>
vs.	)	
Katrina Kane,	)	
Respondent.	)	

Petitioner Sheikh Samiul Haque (A058-507-095), 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 Court will require Respondent to answer the Petition.

**I. Petition**

Petitioner alleges that immigration officials are holding him in detention pending his removal to Bangladesh. Petitioner argues that he is entitled to release from custody because his detention with no prospect that his removal will be effected in the reasonably foreseeable future is not authorized by law. See Zadvydas v. Davis, 533 U.S. 678 (2001) (when there is no reasonable likelihood that a foreign government will accept an alien’s return in the reasonably foreseeable future, the INS may not detain the alien for more than the presumptively reasonable period of six months). The Court will require Respondent to answer the Petition.

**II. Filing Fee**

Although Petitioner paid the \$5.00 filing fee when he filed this action, he subsequently filed a Motion to Accept Late Payment of Fee (Doc. 4) and payed the \$5.00 fee

1 a second time. The Court will deny the Motion as moot and direct the Clerk to refund the  
2 second payment to Petitioner.

### 3 **III. Warnings**

#### 4 **A. Address Changes**

5 Petitioner must file and serve a notice of a change of address in accordance with Rule  
6 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other  
7 relief with a notice of change of address. Failure to comply may result in dismissal of this  
8 action.

#### 9 **B. Copies**

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

#### 15 **C. Possible dismissal**

16 If Petitioner fails to timely comply with every provision of this Order, including these  
17 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,  
18 963 F.2d 1258, 1260-61 (9th Cir. 1992) (district court may dismiss action for failure to  
19 comply with any order of the Court).

#### 20 **IT IS ORDERED:**

21 (1) Petitioner's Motion to Accept Late Payment of Fee (Doc. 4) is **denied** as moot.  
22 The Clerk of Court must forward a copy of this Order to Financial Administration of the  
23 United States District Court for the District of Arizona. Financial Administration must  
24 **refund** to Petitioner the second \$5.00 payment against the filing fee in this case.

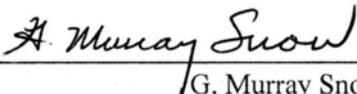
25 (2) The Clerk of Court must serve a copy of the Summons, Petition, and this Order  
26 upon the United States Attorney for the District of Arizona by certified mail addressed to the  
27 civil process clerk at the office of the United States Attorney pursuant to Rule 4(i)(1)(A) of  
28 the Federal Rules of Civil Procedure. The Clerk of Court also must send by certified mail

1 a copy of the Summons, Petition and this Order to the United States Attorney General  
2 pursuant to Rule 4(i)(1)(B) and to Respondent pursuant to Rule 4(i)(2).

3 (3) Respondent must answer the Petition within 20 days of the date of service.  
4 Respondent must not file a dispositive motion in place of an answer without first showing  
5 cause as to why an answer is inadequate. Petitioner may file a reply within 20 days from the  
6 date of service of the answer.

7 (4) This matter is referred to Magistrate Judge Jay R. Irwin pursuant to Rules 72.1  
8 and 72.2 of the Local Rules of Civil Procedure for further proceedings and a report and  
9 recommendation.

10 DATED this 23rd day of August, 2011.

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14 G. Murray Snow  
15 United States District Judge  
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