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

Rami Fuad Tawasha,
Petitioner,
vs.
Janet Napolitano, et al.,
Respondents.

No. CV 11-1101-PHX-GMS (ECV)

ORDER

Petitioner Rami Fuad Tawasha (A043-705-269), who is represented by counsel, has filed a 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 of Kuwait. He has been a lawful permanent resident of the United States since 1993. On May 20, 2009, an Immigration Judge found that Petitioner was removable as an alien who has been convicted of an aggravated felony and ordered that he be removed to Jordan or in the alternative Kuwait. On September 29, 2009, the Board of Immigration Appeals dismissed his appeal. On October 9, 2009, he filed a petition for review and a motion for stay of removal with the United States Court of Appeals for the Ninth Circuit. Tawasha v. Holder, No. 09-73222 (9th Cir.). On March 24, 2010, the Ninth Circuit continued Petitioner’s temporary stay of removal until it issues its mandate. Id.

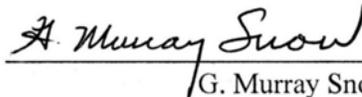
Petitioner argues that his continued detention while his appeal is pending is unconstitutional and inconsistent with the Immigration and Nationality Act. See Casas-

1 Castrillon v. Dep't of Homeland Sec., 535 F.3d 942, 952 (9th Cir. 2008) (an alien who is
2 subject to discretionary detention under 8 U.S.C. § 1226(a) is entitled to a hearing before an
3 Immigration Judge “with the power to grant him bail unless the government establishes that
4 he is a flight risk or will be a danger to the community”). An answer to the Petition will be
5 required. Because summonses appear to have been served and because counsel for
6 Respondents has entered an appearance, the Court will not direct the Clerk to effect service
7 of process.

8 **IT IS THEREFORE ORDERED** that Respondents must answer the Petition within
9 20 days of the date this Order is filed. Respondents must not file a dispositive motion in
10 place of an answer without first showing cause as to why an answer is inadequate. Petitioner
11 may file a reply within 20 days from the date of service of the answer.

12 **IT IS FURTHER ORDERED** that this matter is referred to Magistrate Judge Edward
13 C. Voss pursuant to Rules 72.1 and 72.2 of the Local Rules of Civil Procedure for further
14 proceedings and a report and recommendation.

15 DATED this 22nd day of August, 2011.

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18 G. Murray Snow
19 United States District Judge
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