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

Alfonso Bobbie Rhone,
Petitioner,
vs.
Dennis Smith,
Respondent.

) No. CV 12-718-PHX-GMS (JFM)

) **ORDER**

On February 18, 2011, Petitioner Alfonso Bobbie Rhone, who is confined in the Federal Correctional Institution-Phoenix, filed a *pro se* "Petition for Writ of Habeas Corpus" in the United States District Court for the Western District of Louisiana. On June 22, 2011, Petitioner filed a "Supplemental Petition." On April 4, 2012 the Western District of Louisiana construed Petitioner's Petition as filed pursuant to 28 U.S.C. § 2241 because Petitioner is challenging the execution of his federal sentence, and transferred the action to this District. Petitioner has paid the filing fee. On May 16, 2012, the Court dismissed the Petition with leave to amend. On May 24, 2012, Petitioner filed an Amended Petition (Doc. 16). The Court will require a response to the Amended Petition.

I. Amended Petition

In his Amended Petition, Petitioner names Dennis Smith as the Respondent. Petitioner raises four grounds for relief:

- 1 (1) The United States Marshal violated District Court orders by failing to commit
2 Petitioner to the custody of the United States Bureau of Prisons, and
3 Petitioner’s time in the Louisiana State Prison should be credited against his
4 federal sentence;
- 5 (2) The Bureau of Prisons is “estopped from asserting any rights . . . to
6 reincarcerate Petitioner after his inadvertent release”;
- 7 (3) The delay in execution of Petitioner’s sentence violated Petitioner’s due
8 process rights; and
- 9 (4) The Federal Bureau of Prisons released “Petitioner from all liability of
10 confinement when they knowingly and voluntarily signed the stipulated . . . list
11 of claims waived in the “Release Agreement/Contract.”

12 The Court will require Respondent to answer the Amended Petition.

13 **II. Warnings**

14 **A. Address Changes**

15 Petitioner must file and serve a notice of a change of address in accordance with Rule
16 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
17 relief with a notice of change of address. Failure to comply may result in dismissal of this
18 action.

19 **B. Copies**

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

25 **C. Possible Dismissal**

26 If Petitioner fails to timely comply with every provision of this Order, including these
27 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,
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1 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
2 comply with any order of the Court).

3 **IT IS ORDERED:**

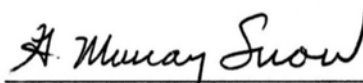
4 (1) The Clerk of Court must serve a copy of the Summons, the Amended Petition
5 (Doc. 16), and this Order upon the United States Attorney for the District of Arizona by
6 certified mail addressed to the civil process clerk at the office of the United States Attorney
7 pursuant to Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure. The Clerk of Court must
8 also send by certified mail a copy of the Summons, the Amended Petition, and this Order to
9 the United States Attorney General pursuant to Rule 4(i)(1)(B) **and** to Respondent pursuant
10 to Rule 4(i)(2) of the Federal Rules of Civil Procedure.

11 (2) Respondent Dennis Smith must answer the Amended Petition within 20 days
12 of the date of service. Respondent shall not file a dispositive motion in place of an answer
13 without first showing cause as to why an answer is inadequate.

14 (3) Petitioner may file a reply within 30 days from the date of service of the
15 answer.

16 (4) This matter is referred to Magistrate Judge James F. Metcalf 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 16th day of July, 2012.

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22 _____
23 G. Murray Snow
24 United States District Judge
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