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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE KAYODE GANSAH,)	1:07-CV-01006 AWI NEW (DLB) HC
)	
Petitioner,)	ORDER REQUIRING RESPONDENT TO
)	SUBMIT ANSWER ADDRESSING MERITS
v.)	OF PETITION
)	
)	ORDER REQUIRING RESPONDENT TO
ATTORNEY GENERAL, et al.,)	SUBMIT NOTICE OF APPEARANCE
)	
Respondents.)	ORDER DIRECTING CLERK OF COURT
)	TO SERVE DOCUMENTS

Petitioner is a detainee of the Bureau of Immigration and Customs Enforcement (“ICE”) proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

In this case, Petitioner contends he is being indefinitely detained in violation of his substantive and procedural due process rights and Respondent’s statutory authority. Petitioner further argues his detention constitutes punishment without due process of law. 28 U.S.C. § 2241(c)(3) authorizes any person to claim in federal court that he or she is being held “in custody in violation of the Constitution or laws ... of the United States.” In Zadvydas v. Davis, 533 U.S. 678, 688 (2001), the Supreme Court concluded “that § 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention.” Thus, the petition is proper under 28 U.S.C. § 2241. In addition, because Petitioner is currently incarcerated at Kern

1 County Jail, and Kern County Jail is within the Eastern District of California, this Court has
2 jurisdiction to proceed to the merits of the petition. See U.S. v. Giddings, 740 F.2d 770, 772 (9th
3 Cir.1984).

4 **ORDER**

5 Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases,¹ the Court
6 **HEREBY ORDERS:**

- 7 1. Respondent SHALL FILE an ANSWER addressing the merits of the Petition within
8 **SIXTY (60)** days of the date of service of this order. Respondent shall include with
9 the response any and all transcripts or other documents relevant to the resolution of
10 the issues presented in the petition, including copies of appeals taken by a prisoner
11 within the prison and before the Bureau of Prisons.² Rule 5 of the Rules Governing
12 Section 2254 Cases. The Court recognizes that Counsel on behalf of the Government
13 and/or the Institution³ may wish to respond on separate issues raised in the Petition.
14 However, the Court will accept only one (1) "Answer." Such Answer SHALL
15 CONTAIN all argument with respect to all of the issues raised in the Petition,
16 whether formulated by Counsel for the Government or the Institution.
- 17 2. Respondent SHALL FILE a Notice of Appearance within **TWENTY (20)** days of the
18 date of service of this Order. The Notice SHALL indicate the name of the
19 individual(s) who will be representing the Government and/or the Institution. The
20

21 ¹The Rules Governing Section 2254 Cases may be applied to petitions for writ of habeas corpus other than those
22 brought under § 2254 at the Court's discretion. See, Rule 1 of the Rules Governing Section 2254 Cases. Civil Rule 81(a)(2)
23 provides that the rules are "applicable to proceedings for . . . habeas corpus . . . to the extent that the practice in such
proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice of civil actions."
Fed. R. Civ. P 81(a)(2).

24 ²In the event Respondent is unable to obtain a photocopy of prisoner appeals and intends to file a computerized
25 printout of the disposition, Respondent must also provide the Court with translation of the internal codes used in the printout.
26 To the extent the claims concern prison policy and procedure not accessible to the Court by electronic means
(Westlaw/Lexis), Respondent must provide the Court with a photocopy of all prison policies and/or procedures at issue in
the case. This includes any *internal* prison policies of which a prisoner complains and is subject to.

27 ³Counsel for the "Institution" means private Counsel representing contracted facilities such as Taft Correctional
28 Institution, (Wackenhut Corrections Corporation), or California City Correctional Center (Corrections Corporation of
America).

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Notice is necessary to ensure that the appropriate counsel for Respondent is being served by the Court. The submission of the Notice of Appearance will terminate Court service on those listed in paragraph 4.

3. Petitioner’s TRAVERSE, if any, is due on or before **THIRTY (30)** days from the date Respondent’s Answer is filed.

4. The Clerk of the Court SHALL serve a copy of this Order along with a copy of the Petition and all exhibits on the Office of the United States Attorney for the Eastern District of California, an agent for the appropriate Correctional Institution if applicable, and the United States Bureau of Prisons.

All motions shall be submitted on the record and briefs filed without oral argument unless otherwise ordered by the Court. Local Rule 78-230(h). All provisions of Local Rule 11-110 are applicable to this order.

IT IS SO ORDERED.

Dated: July 23, 2007

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE