# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 

SUKHWINDER SINGH ,
Petitioner, v.

MICHAEL CHERTOFF, et al., Respondents.
) 1:08-cv-01698-AWI-TAG HC
ORDER DIRECTING CLERK OF THE COURT TO REDESIGNATE CASE AS A GENERAL CIVIL CASE

Petitioner, represented by counsel, is proceeding with a Petition for Writ Of Mandamus pursuant to 28 U.S.C. § 1651.

The Court, in conducting a preliminary screening of the Petition, has determined that the case has been erroneously filed as a prisoner case. Petitioner is a native and citizen of India who resides within the jurisdiction of this Court. (Doc. 1, p. 2). On August 17, 2006, he applied for an adjustment of status as a permanent resident of the United States. (Id.). The Petition alleges that although Petitioner has been interviewed by Respondent, his background check is still pending and his application for adjustment of status has not been acted upon as of the date of filing of the petition. (Id.). Petitioner does not allege that he is, or ever has been, incarcerated or detained by Respondent.

Accordingly, the case is not a prisoner case and the matter should be redesignated as a general civil case.

## ORDER

For the foregoing reasons, the Court HEREBY ORDERS that the Clerk of the Court is DIRECTED to REDESIGNATE the action as a general civil case.

IT IS SO ORDERED. Dated: April 1, 2009
/s/ Theresa A. Goldner UNITED STATES MAGISTRATE JUDGE

