[DLB] Singh v. Ch	ertoff et al	Doc. 11
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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
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9	SUKHWINDER SINGH,	1:08-cv-01698-AWI-TAG HC
10	Petitioner,	ORDER DIRECTING CLERK OF THE COURT
11	v.) TO REDESIGNATE CASE AS A GENERAL) CIVIL CASE
12	MICHAEL CHERTOFF, et al.,	
13	Respondents.	
14)
15	Petitioner, represented by counsel, is proceeding with a Petition for Writ Of Mandamus	
16	pursuant to 28 U.S.C. § 1651.	
17	The Court, in conducting a preliminary screening of the Petition, has determined that the case	
18	has been erroneously filed as a prisoner case. Petitioner is a native and citizen of India who resides	
19	within the jurisdiction of this Court. (Doc. 1, p. 2). On August 17, 2006, he applied for an	
20	adjustment of status as a permanent resident of the United States. (Id.). The Petition alleges that	
21	although Petitioner has been interviewed by Respondent, his background check is still pending and	
22	his application for adjustment of status has not been acted upon as of the date of filing of the	
23	petition. (<u>Id.</u>). Petitioner does not allege that he is, or ever has been, incarcerated or detained by	
24	Respondent.	
25	Accordingly, the case is not a prisoner case and the matter should be redesignated as a	
26	general civil case.	
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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. /s/ Theresa A. Goldner UNITED STATES MAGISTRATE JUDGE Dated: **April 1, 2009**