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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY MIKE TORRES,  
Petitioner,  
v.  
LORETTA E. LYNCH,  
Respondent.

Case No. 1:16-cv-01038-EPG-HC

ORDER FOR SUPPLEMENTAL BRIEFING

Petitioner is a federal immigration detainee proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Therein, Petitioner challenges his “unlawful indefinite detention.” (ECF No. 1 at 3).<sup>1</sup>

On August 29, 2016, Respondent filed a response to the petition, arguing that the instant case is related to Torres v. DHS/ICE, Case No. 1:15-cv-01841-SAB, because both lawsuits involve the same parties, the same facts, and the same requested relief. (ECF No. 8). The petition in the previous case was dismissed, and Respondent argues that the instant petition similarly should be dismissed. (Id. at 2). On September 8, 2016, Petitioner filed a reply. (ECF No. 9). Petitioner argues that “the 2015 case was in a different time, under different circumstances” and cites to Rodriguez v. Robbins (Rodriguez III), 804 F.3d 1060 (9th Cir. 2015). The Court finds that supplemental briefing on Rodriguez III would assist the Court in this matter.

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<sup>1</sup> Page numbers refer to the ECF page numbers stamped at the top of the page.

1 Accordingly, the Court HEREBY ORDERS:

- 2 1. Respondent shall file a supplemental brief addressing Rodriguez III and its application to  
3 the instant case within THIRTY (30) days of the date of service of this order; and  
4 2. Petitioner may file a response to Respondent's brief regarding Rodriguez III within  
5 THIRTY (30) days of the date of service of Respondent's brief.

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7 IT IS SO ORDERED.

8 Dated: November 7, 2016

9 /s/ Eric P. Gray  
10 UNITED STATES MAGISTRATE JUDGE  
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