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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   EMILIO SOTOMAYOR-RODRIGUEZ,   Case No. 1:17-cv-01721-JDP

12   Petitioner,

13   v.   ORDER SETTING BRIEFING SCHEDULE
                                          FOR RESPONDENT'S MOTION TO
14   IMMIGRATION AND CUSTOMS   DISMISS FOR LACK OF JURISDICTION
     ENFORCEMENT,
15
                 Respondent.
16   (Doc. No. 6)

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18   Pro se petitioner Emilio Sotomayor-Rodriguez is proceeding on a petition for a writ of

19   habeas corpus under 28 U.S.C. § 2241, challenging his immigration detention that has lasted for

20   over eight months. (Doc. No. 4.)[1] The court screened the petition and allowed it to proceed, in

21   part based on petitioner's detention for more than six months—the presumptive period set forth in

22   *Zadvydas v. Davis*, 533 U.S. 678 (2001)—and noted that petitioner's continued, indefinite

23   detention would violate his substantive and procedural due process rights. (Doc. No. 5.)

24   Respondent moves to dismiss the case for lack of jurisdiction. (Doc. No. 6.) Respondent

25   contends that the case is moot because petitioner has been released on bond and is no longer

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27   [1] The court will amend the caption to show the correct identity of respondent: Immigration and
     Customs Enforcement, petitioner's custodian. *See* 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542
28   U.S. 426, 434 (2004).

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detained. The court will set a briefing schedule for respondent's motion to dismiss.

Accordingly,

1. Petitioner must file and serve his response to respondent's motion to dismiss within 45 days of the service of this order.

2. Respondent may file a reply in support of his motion within 15 days of the service of petitioner's response.

3. The clerk of court is directed to amend the case caption to substitute Immigration and Customs Enforcement as the new respondent.

IT IS SO ORDERED.

Dated: June 5, 2018   /s/ *Jeremy D. Peterson*

UNITED STATES MAGISTRATE JUDGE