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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAYO OLUGBOYEGA OGUNBANKE,

 Petitioner,

 v.

KIRSTEN NIELSEN, *et al.*,

 Respondents.

Case No. 1:18-cv-00796-JDP

ORDER TO SHOW CAUSE WHY THE
PETITION SHOULD NOT BE GRANTED

ORDER DIRECTING CLERK OF COURT
TO SERVE DOCUMENTS ON UNITED
STATES ATTORNEY

Petitioner is detained by the U.S. Bureau of Immigration and Customs Enforcement (“ICE”) and is proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2241. This matter is before the court for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases, which the court may apply to Section 2241 proceedings. *See* Rules Governing Section 2254 Cases, Rule 1(b); 28 U.S.C. § 2243. Under Rule 4, the assigned judge must promptly examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief.

The undersigned has reviewed the petition. (Doc. No. 1.) Petitioner alleges that he is a noncitizen detained by respondents pending removal proceedings. He claims that he has been detained in by the Department of Homeland Security since February 21, 2012. (*See id.* ¶ 19.) He also states that he has been detained by ICE for more than eight months and has not had a bond

1 hearing. (*See id.* ¶ 20.) The undersigned will require a response to the petition, set a 45-day
2 briefing schedule, and order service of documents.

3 For these reasons,

- 4 1. Respondents must submit a return to the order to show cause within forty-five (45)
5 days of the date of service of this order.
- 6 2. Respondents must file with the return a copy of petitioner's alien file and all other
7 documents relevant to the determination of the issues raised in the petition. *See*
8 Rules Governing Section 2254 Cases, Rule 5.
- 9 3. Petitioner may file a traverse to the return within ten (10) days of the filing of the
10 return.
- 11 4. If petitioner is released from ICE custody during the pendency of the petition, the
12 parties must notify the court within fourteen (14) days of release by filing a motion
13 to dismiss the petition or other proper motion.
- 14 5. The clerk of the court is directed to serve a copy of the petition on the U.S.
15 Attorney.

16 All motions must be submitted on the record and briefs filed without oral argument unless
17 otherwise ordered by the court. *See* Local Rule 230(l). If any party requires additional time, that
18 party should file a motion for amendment of the schedule before the relevant deadline has passed
19 and explain in detail why the party cannot comply with this schedule. Extensions will be granted
20 only upon a showing of good cause. Local Rule 110 applies to this order.

21 If the parties fail to notify the court that petitioner has been released, the parties may be
22 subject to sanctions. *See* Local Rule 110.

23
24 IT IS SO ORDERED.

25 Dated: June 19, 2018

26 /s/ Jeremy D. Peterson
27 UNITED STATES MAGISTRATE JUDGE
28