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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAFAEL FRANCISCO DEPAZ,
Petitioner,
v.
DHO ICE,
Respondent.

Case No. 1:18-cv-00820-JDP
ORDER TO SHOW CAUSE WHY
PETITION SHOULD NOT BE GRANTED
ORDER DIRECTING CLERK OF COURT
TO SERVE DOCUMENTS ON
U.S. 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 applies 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 has been detained by ICE for 13 months without receiving a bond hearing. Petitioner contends that his continued detention violates his due process rights and is unlawful. The undersigned will require a response to the petition, set a 45-day briefing schedule, and order service of documents.

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For these reasons,

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

All motions must be submitted on the record, and briefs must be filed without oral argument unless otherwise ordered by the court. *See* Local Rule 230(1). The court will grant extensions only upon a showing of good cause. If a party requires an extension, that party should file a motion for amendment of the schedule before the relevant deadline has passed and should explain in detail why an extension is required. Local Rule 110 applies to this order.

IT IS SO ORDERED.

Dated: June 20, 2018

/s/ Jeremy D. Peterson
UNITED STATES MAGISTRATE JUDGE