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

NEIVER SURLEY MINA VALENCIA,  
Petitioner,  
v.  
WARDEN, F.C.I. MENDOTA,  
Respondent.

Case No. 1:23-cv-00148-EPG-HC  
ORDER TO RESPOND  
ORDER SETTING BRIEFING SCHEDULE

Petitioner Neiver Surley Mina Valencia is a federal prisoner who proceeded *pro se* with a petition of writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) On November 7, 2023, the Court granted Respondent’s superseding motion to dismiss and dismissed the petition as moot given that Petitioner had not suffered a final order of removal and Petitioner had received the remedy he requested in his petition. (ECF No. 21.) That same day, judgment was entered and the case closed. (ECF No. 22.)

On February 2, 2024, the Court receive the instant motion to reopen case based on new discovery evidence. (ECF No. 23.) Therein, Petitioner alleges that he is being denied time credits based on a final administrative removal order issued on September 22, 2023.

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1 Accordingly, the Court HEREBY ORDERS:

- 2 1. Within twenty-one (21) days of the date of service of this order, Respondent  
3 SHALL FILE a response to Petitioner's motion to reopen; and  
4 2. Within fourteen (14) days of the date of service of Respondent's response,  
5 Petitioner may file a reply.

6 IT IS SO ORDERED.  
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8 Dated: February 6, 2024

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