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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUBEN DARIO PERLAZA,

 Petitioner,

 v.

WARDEN,

 Respondent.

Case No. 1:24-cv-00693-EPG-HC

ORDER DIRECTING RESPONDENT TO
FILE COPY OF PETITIONER’S
PURPORTED FINAL ORDER OF
REMOVAL

Petitioner Ruben Dario Perlaza is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging a Federal Bureau of Prisons’ policy of refusing to allow prisoners with immigration detainers to earn and/or apply First Step Act (“FSA”) time credits (“ETCs”). (ECF No. 1.)

Respondent has moved to dismiss the petition, arguing, *inter alia*, that “Petitioner is jurisdictionally and statutorily barred from FSA ETC sentence-offsets due to the final order of removal from another federal court.” (ECF No. 15 at 3.¹) In a declaration in support of the motion to dismiss, a Paralegal Specialist declares that U.S. Immigration and Customs Enforcement have “provided Petitioner’s final order of removal, which I have reviewed” and thus, Petitioner “is ineligible to apply his time credits.” (ECF No. 15-1 at 3.) However, Respondent has not provided the Court with a copy of the purported final order of removal itself.

¹ Page numbers refer to the ECF page numbers stamped at the top of the page.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Within fourteen (14) days of the date of this order, Respondent SHALL FILE a copy of
3 Petitioner’s purported final order of removal. See Rule 7(a), Rules Governing Section
4 2254 Cases in the United States District Courts (“Habeas Rules”) (“If the petition is not
5 dismissed, the judge may direct the parties to expand the record by submitting additional
6 materials relating to the petition.”).²
- 7 2. Within fourteen (14) days of the filing of the copy of the final order of removal,
8 Petitioner may file a response. See Habeas Rule 7(c) (“The judge must give the party
9 against whom the additional materials are offered an opportunity to admit or deny their
10 correctness.”).

11 IT IS SO ORDERED.

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13 Dated: September 25, 2024

14 /s/ Eric P. Grogan
15 UNITED STATES MAGISTRATE JUDGE

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28 ² The Rules Governing Section 2254 Cases may apply to § 2241 habeas petitions. See Habeas Rule 1(b).