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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 SHEW FEI CHIN,

No. 2:15-CV-2397-JAM-CMK-P

12 Petitioner,

13 vs.

ORDER

14 TIMOTHY AIKEN, et al.,

15 Respondents.
16 _____/

17 Petitioner, who is proceeding pro se, brings this petition for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2241 challenging his continued custody pending removal.

19 Respondents have appeared in the action (see Doc. 12). Pending before the court is petitioner's
20 petition (Doc. 1). Also before the court are petitioner's motion for the appointment of counsel
21 (Doc. 2) and petitioner's motion for a briefing schedule (Doc. 13).

22 Petitioner's claim is cognizable. See Zadvydas v. Davis, 533 U.S. 678 (2001).
23 Respondents will be directed to file a response to the petition and a briefing schedule will be set.
24 Petitioner's motion for the appointment of counsel, however, will be denied because, at this
25 stage of the proceedings, the court cannot say that exceptional circumstances exist. See 18
26 U.S.C. § 2006A(a)(2)(B).

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's motion for a briefing schedule (Doc. 13) is granted;

3 2. Petitioner's motion for the appointment of counsel (Doc. 2) is denied
4 without prejudice to renewal after a response to the petition has been filed;

5 3. Respondents shall file a response to the petition within 60 days of the date
6 of this order; and

7 4. Petitioner's traverse, if an answer is filed, is due within 30 days after
8 service of the answer.

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10 DATED: February 19, 2016

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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