

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7

8 GURMEET SINGH,

No. C 09-4827 SI

9 Petitioner,

**ORDER TO SHOW CAUSE**

10 v.

11 U.S. SECRETARY OF THE DEPARTMENT  
12 OF HOMELAND SECURITY, *et al.*,

13 Respondents.  
\_\_\_\_\_ /

14  
15 Petitioner Gurmeet Singh has filed a petition for writ of habeas corpus.<sup>1</sup> Petitioner states that  
16 on August 27, 2002, an Immigration Judge denied petitioner's application for asylum and ordered him  
17 removed to India. Plaintiff states that he has exhausted his administrative remedies, except for a  
18 pending claim to adjust his status as a battered spouse under the Violence Against Women Act.  
19 Petitioner states that as of October 7, 2009, he has been detained for thirteen months in immigration  
20 custody. Petitioner alleges that he does not have a passport to India, and that he will not be able to  
21 obtain a passport to India in the reasonably foreseeable future because India refuses to issue passports  
22 to people who have sought asylum. Petitioner alleges that his continued detention violates federal law.


23 The Court concludes that the petition warrants a response from respondents. **Respondents must**  
24 **file and serve upon petitioner, on or before January 22, 2010**, an answer showing cause why a writ  
25 of habeas corpus should not be issued. Respondents must file with the answer a copy of all portions of  
26 \_\_\_\_\_

27 <sup>1</sup> The petition states that jurisdiction is proper under 28 U.S.C. §§ 1331 and 1361, 5 U.S.C.  
28 § 701 *et seq.*, and 28 U.S.C. § 2201. The petition is not brought under 28 U.S.C. § 2241, the habeas  
corpus statute. Respondents shall address, in the answer or by motion, whether the petition is brought  
under the correct statutes.

1 the administrative proceedings that are relevant to a determination of the issues presented in the petition.  
2 If petitioner wishes to respond to the answer, he must do so by filing a **traverse with the Court and**  
3 **servng it on respondents on or before February 19, 2010.** If the parties wish to modify this  
4 schedule, they may do so by joint stipulation. If, after review of the parties' answer and traverse, the  
5 Court determines that oral argument is necessary, the Court shall so notify the parties.

6  
7 **IT IS SO ORDERED.**

8  
9 Dated: December 28, 2009

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge